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THE EFFECT OF REPUBLICAN VICTORY.

BY THE HON. T. C. PLATT.

THE Presidential campaign of 1896 has no parallel in American history. It has been likened to the Grant-Greeley campaign of 1872. Party lines in 1872 were broken, but there was nothing like the general demoralization in political circles that year that has characterized the present campaign. In 1872 the Democratic party went on a strike against Horace Greeley. The members of that party showed their hostility to Greeley by refusing to vote. General Grant in 1872 received, comparatively, very few Democratic votes.

This year we have the spectacle presented of hundreds and thousands of independent Democrats who publicly proclaim their intention of voting for the Republican candidate. These men have placed country above party, and they are entitled to the highest credit for their patriotic stand in this crisis.

There has been no more important election in this country since the war; in fact, the issues involved in the campaign which is now drawing to a close are of more vital concern than any that have ever been raised since the foundation of the Republic. The honor and credit of the nation have been assailed, and unless both are vindicated in such a manner as to admit of no room for doubt, the safety of our institutions and the existence of the

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nation itself will be in danger. It is the imperative duty of the hour to crush out Bryanism and all that it represents.

It is not strange, therefore, that party lines, for the time being, have been practically obliterated. Horace Greeley once said that it was not true that every Democrat was a horse thief, but it was undoubtedly a fact that every horse thief was a Democrat. There may be, and no doubt there are, many honest, sincere, but misguided men who are supporting Mr. Bryan; but it is also true that Mr. Bryan numbers among his followers 99 per cent. of the dishonest people of the country; the men who are enemies to society and have no interest in the preservation of this country as a nation; whom any change could not injure, as they have nothing to lose, neither character nor worldly goods. In a word, Mr. Bryan is supported with apparent unanimity by all that is vicious and debased among our population.

It may be advanced, for the sake of argument, that this is not Mr. Bryan's fault. Granted. But no man has ever succeeded in making himself any greater or any better than his party; and it is not at all likely that Mr. Bryan, young and inexperienced as he is, can hope to succeed where older and abler men have failed. If elected, Mr. Bryan would give the country just the kind of administration that the people who elected him would demand. He would be powerless to do anything different. He must at least do his best to carry out the revolutionary theories of the Chicago platform, and nothing could be worse.

Thoughtful people have perceived the approach of the storm which was brought to a culmination at Chicago last July. They have recognized that sooner or later there must be fought a fight between law and order, honesty and honor, on the one hand, and lawlessness and repudiation on the other. It is not necessary to go into a discussion at this time as to what has contributed to bring about the conditions which exist to-day; but it is well, perhaps, that the issues involved in this campaign should be met now fairly and squarely, and settled once for all; because, until they are settled and settled in the right way, this country can hope to make but little progress. Agitation means uncertainty, and uncertainty at the present juncture would be almost as bad as Bryanism itself.

It is very fortunate for the Republican party and for the country that the St. Louis Convention came out boldly and took a clear

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stand in favor of the gold standard. Any other course would have been fatal to the Republican party, and consequently disastrous to the country. Any attempt at equivocation, or at "straddling" the financial issue which the whole country recognized then must be the paramount issue of the campaign, would have left the party of great moral ideas in a very awkward predicament. Populists and Popocrats and other advocates of repudiation would have been able to point to the Republican platform as at least a partial endorsement of their position. The party would not have gained a single Populist or Popocrat vote, and would have forfeited the votes and confidence of thousands of Republicans and independent Democrats.

The Republican party has always stood for sound money, and there was not the slightest reason why the St. Louis Convention should not say so in plain terms.

The election of McKinley and Hobart upon the St. Louis platform will settle the financial policy of this country for the next generation at least. The verdict will be so emphatic in my judgment that, during the lifetime of all those who are on earth to-day, no man or no party will be found bold enough to go before the people advocating doctrines which mean repudiation. I have such an abiding faith in the sturdy good sense and sound patriotism of the mass of the people of this country that I cannot for a moment entertain the slightest doubt of the triumph of the Republican party at the coming Presidential election. Vermont and Maine have spoken, and as those two States have in the past been political barometers, foreshadowing the result in November, there can be but one opinion among the thinking people on this subject. Vermont and Maine have pointed the way; New York and the States of the North and West, and I trust several of those of the South that have been emancipated from the iron chains of political bigotry which have enthralled them for so many years, will show to the nation and to the world that this country does not intend to indorse repudiation and turn the government over to the freebooters of the free silver madness.

The election of McKinley will settle many things. It will clear the air; it will be the beginning of a new era in the development of this country. The nightmare of Populism, Anarchy, and Socialism will have been banished, and will not return to trouble our sleep in the future.

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The country has passed through a fearful period during the past four years. It has been an experience to try the souls of men, and make one almost lose faith in the ever-watchful care of Divine Providence.

Millions of dollars have been lost and there has been almost a complete stagnation in every line of business.

The return of prosperity will not be sudden. A man who has been stricken with a serious disease and laid up for a long time does not arise at once and go forth a strong man. He must return to health and strength gradually, if at all; and so it is with the nation that has been through, or has endured, the financial strain which we have suffered. We cannot expect to regain all that we have lost, or any considerable part of it, in a day; but, bad as our condition has been, it would in its worst and most acute stage pass for prosperity in comparison to what would occur should Mr. Bryan be elected. The election of McKinley is absolutely necessary to the restoration of prosperity, and for the preservation of our institutions.

But the election of McKinley and the loss of the House of Representatives would be most unfortunate. The loss of the House of Representatives to the Republican party at this juncture would offset, to a considerable extent, the beneficial effect of the election of the Republican candidates for President and Vice-President.

We must not only elect McKinley and Hobart, but secure control, if possible, of both branches of Congress. I believe that we shall do this, and that the verdict of the American people at the polls on the 3d of November next will be all that the most patriotic and loyal citizen of this nation could desire.

T. C. PLATT.

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INFLUENCE OF THE COLLEGE IN AMERICAN LIFE.

BY PRESIDENT CHARLES F. THWING, D.D., LL.D., WESTERN RESERVE UNIVERSITY AND ADELBERT COLLEGE.

THE American college has rendered a service of greater value to American life in training men than in promoting scholarship. It has affected society more generally and deeply through its graduates than through its contributions to the sciences. Its work for America and for the world has been done at second-hand through the men whom it has educated. It has been rather a mother of men than a nurse of scientists.

In judging of the value of the service which the college has rendered to society through its sons, of course one must not be guilty of claiming too much. The college is only one of the factors which help to develop the character and the working power of an individual. The home, personal association, environment, and native ability are always to be weighed and assessed. Many men "of light and leading" would still have been guides of their fellows even if they had never gone to college. Yet the college has rendered unique and peculiarly rich services. It has in nearly every instance increased ability, and made ability more efficient. It has rendered indifferent ability good, good better, and given a superlative excellence to that of a higher degree.

Of all the professions, the ministry enrolls the largest proportion of college graduates. An examination of Dr. Sprague's *Annals of the American Pulpit* shows that of the eleven hundred and seventy clergymen therein named, 74 per cent. of those who are Episcopalian, 78 per cent. of those who are Presbyterian, 80 per cent. of those who are Congregational, and 97 per cent. of those who are Unitarian clergymen are graduates. The influence of the minister in a

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community is, in a degree, the influence of the college and that influence has been from the birth of the nation great. In the very beginning the minister was the autocrat, both civil and social, of the commonwealth. He has now ceased to be an autocrat, but his influence continues strong and pervasive. Of all the members of the community he is the only one who has the opportunity of speaking to the people at frequent and regular intervals upon important questions. The decline of the lyceum system has left him practically alone in the forum of public debate. If he give to his functions a large interpretation, he finds himself closely related to all the higher concerns of humanity. He is, above most citizens, interested and influential in the public-school system. He is the arbiter upon many questions of social and civil relationships. In all sociological concerns his counsel may be of great value. Above most persons in the community, he is a scholar. Aside, therefore, from his purely professional relations, the clergyman is or may be of great influence. In all instances the college has trained in him qualities which at least greatly enlarge his field of usefulness and enrich his power of service. In the rural parish as well as in the urban his influence is greater because he has had four years in college. The power of the clergyman, therefore, is the power of the college.

The colleges have ceased to be, as several of the earlier colleges were designed in their foundations to be, training schools for the ministry. The callings of the law and of commercial life are now more attractive to the graduates of certain colleges. But the college has not yet lost its prestige as being the most valuable opportunity for the men who propose to be ministers to fit themselves for their work, be their number small or large. Under a government in which the state and the church and the college are more normally and generally united than these agencies are in the United States, the college usually represents a necessary condition to the assuming of clerical functions. The Church of England would have lost its power, and the minister in that church his influence, if Oxford and Cambridge had not existed. Writing to Mr. Gladstone, in 1854, Dean Burgon referred to Oxford and her colleges as "those fortresses where the Church has ever nursed her warriors, and whither she has never turned in vain for a champion in her hour of need." The English Church commands the respect of those

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whose respect is most worth commanding, largely through the contributions of manifold sorts which the English universities have made to it. In America it is significant that the churches which have been most influential in the development of American life have been those which have placed greatest emphasis upon the worth of a college-bred ministry. It is also evident that as the churches themselves have attached greater or less importance to the necessity of a college training for their ministers, has their influence increased or diminished. At the time when the Methodist Church did not regard a college training as desirable for securing ordination, the influence of that church was small. Only 11 per cent. of the Methodist clergymen named in Dr. Sprague's volumes are graduates. But at the present time, when the Methodist Church regards a liberal education as a valuable element in the clergyman's equipment, the public influence of this church is greatly increasing.

The large majority of the lawyers of the United States are not college-bred; but it is not too much to say that the influence of those who are is greater than that of the remainder who are not. The highest positions in the courts of the United States, or in the courts of the individual States, are usually filled by those who have had an academic education. Every Chief Justice of the United States has been a college graduate except one; and that one, John Marshall, was a student at the College of William and Mary until the outbreak of the Revolution interrupted his undergraduate career. More than two-thirds of the associate judges of the Supreme Court and about two-thirds of the present Circuit Court judges are college graduates. At the present time every member of our Supreme Court has received a liberal education. Conspicuously among the professions, the law demands the power of applying fundamental principles to the solution of complex problems. Every case submitted to a lawyer represents an opportunity for an application of the law of rights. The lawyer, therefore, should have clearness of mental vision, a thorough understanding of principles, facility in the application of these principles, and above all else the power of analysis. No better means for developing such powers exists than the college.

Our great system of public education is a sphere in which the influence of the college is not usually recognized. It is often supposed that the teacher in the primary, or grammar, or high

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school, is jealous of the college professor and that the college professor has a contempt for the school teacher. But what is called the lower and what is called the higher education are but two parts of one great scheme, each ministering unto, and each receiving ministry from, the other. If the work in the primary grades be slovenly, superficial, weak, the teaching in higher grades is also slovenly, superficial, weak, and ineffective. If the college fail to be effective, strong, inspiring, wholesome, all the education that comes before the college period falls into methods of narrowness and superficiality. The kindergarten is a preparation for the physical laboratory, and the physical and psychological laboratories of the college have close relations to the kindergarten.

Historically the college has had a great influence in the development of our educational system. Harvard College was founded eleven years before the passage of the law requiring those towns in the Bay Colony having one hundred families to be able to fit students for college. It was a graduate of Brown University who became the founder of Antioch College, who did the greatest work for the common schools ever done by any American. Massachusetts and every commonwealth owe a lasting debt of gratitude to Horace Mann. The educational system of Indiana is the product of the influence of Caleb Mills, who for many years was a professor in Wabash College. At the present time the college, and especially the college in the West, is doing a great work in upholding the higher standards of the public-school system. The forces that are constantly trying to pull down these standards are tremendous. The tendency of the age to reach practical results by the shortest pathways carries along with itself the peril of ethical and intellectual superficiality. Against this tendency the college stands firm as the everlasting hills. Although only a small proportion of the teachers of the United States are college-trained, yet many of them have been taught by those who are college-trained. They have felt the inspiration of the motives, and have been affected in a measure by the character, of those who have been inspired themselves by college ideals, moved by college motives and influenced by college conditions. The superintendents and supervisors of many schools are college graduates, as are the teachers in many high schools. Therefore, not a few students who are obliged to finish their education with the high school

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have received an influence from the college at one remove. Even beyond the personal influence, the college system, as a system, has touched the public-school system. It has held before the schools standards of learning, larger in content, and higher in aim, than the schools could themselves create.

The college, further, has embodied a broad and noble patriotism. This patriotism has been free from provincialism. The college has interpreted "country," not as representing square miles of territory or loyalty to a partisan government, but as meaning justice for all, helpfulness toward the worthy or the weak, sympathy for the oppressed and opportunity for the working out of noblest results under favorable conditions. It has sought that just government might prevail; that toleration of opinions might become common. It has endeavored to incarnate the cardinal virtues in the state. No youth has been more eager than the college youth to doff the student's gown and to don the soldier's uniform. It has been said that, except for Harvard College, the Revolution would have been put off half a century. Of the great war no stories are more moving, no tales of valor more splendid than those told of the college boys who became soldiers. It is significant that in the petition for the granting of the charter of Union College a hundred years ago, attention is called to the need in the young Republic of men qualified to lead in the state as well as in the church; and Union College, be it said, has furnished a great number of men who have rendered efficient service to the nation. The constitution of North Dakota was partly the work of a graduate of a college in Wisconsin. Of the men who have been influential in the affairs of Rhode Island in the last century and a half, only three can be mentioned who have not been graduates of Brown University, and these three were connected with the university in such a way as to feel its influence. The motto of the college graduate is not "My country, right or wrong." Rather he loves his country, and is willing to die or live for it, as it embodies those principles which represent eternal and infinite relationships. He loves his country more because he loves the world much. The college has, moreover, rendered great service in upholding the ideas of a simple democracy. The college is, along with the public school, the most democratic of our institutions. It exists for the people. If the college is a part of

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the system of public education, it exists as a part of the commonwealth. If it is a private corporation, it is private in no sense other than that it represents private property held in trust for public weal. The ordinary college represents the bestowment of a large amount of property for the improvement of the people. It embodies the power of promoting scholarship as a means for the elevation of humanity. The principles dominant in the college are principles of our common citizenship. It is not wealth nor birth, prestige nor family, which opens the doors of the college, but it is the simple desire to use the facilities offered by the college for the enlargement and enrichment of character and of life. The college finds its best conditions in a democratic community. But the college in turn tends to develop democracy in the community. The English universities failed for centuries to have a worthy influence in English life because of ecclesiasticism. The American college is the creation of the democratic commonwealth. The American college in turn tends to make the democratic commonwealth yet more democratic. It is still true, as the late President Anderson said in an address given at the time of his inauguration forty-two years ago: "Universities have been everywhere the nurseries of equality. The single fact that for centuries their endowments gave to the sons of the poor their only available opportunity to measure their strength with the rich and noble on equal terms, shows that they have had more influence in giving to man a superiority over his accidents than any institution except the Christian Church. Universities have been the special benefactors of the poor. We believe that accurate statistics would show that more than two-thirds of the students who in our country have gone through a course of collegiate education, have been the sons of men in comparative poverty. To these has the main benefit of the university endowments inured. These conditions alone have prevented the monopoly of education from being secured to the rich."*

The story of the political or public achievements wrought by the American college for the community through its graduates is a long and glorious one. It is worth while possibly to present a few statistics. In suggesting the great part which college men have played in national affairs, it is

* Papers and addresses of Martin B. Anderson, volume 1, pages 44-5.

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not unworthy to mention that clergymen, teachers, and physicians are by their occupations usually prevented from entering political life. The proportion, therefore, of college men who are found rendering conspicuous service to the nation becomes exceedingly significant. Of the fifty-six signers of the Declaration of Independence, forty-two had a liberal education. Three members of the committee of five appointed to draft the Declaration—Jefferson, Adams, and Livingston—were college-bred. At least thirty-five of the fifty-five men who composed the Convention of 1787, which framed the Constitution, had had the advantage of a classical education. The men who were most influential in the struggle which resulted in the adoption of the Constitution were men trained at college. Of our Presidents, fifteen are college graduates; and thirteen also of the Vice-Presidents. An examination of the biographical sketches of Congressmen proves that one-half of those who have served in the United States Senate have been college-trained, and somewhat more than one-third of those who have been members of the House of Representatives. When one considers the relatively small proportion of the citizens of this country who have been members of its colleges in the last hundred years—about three hundred thousand—the influence of the college men in the whole community is proved to be commanding.

The American college has given to the American people a discipline more thorough, a scholarship richer, and a culture finer than they otherwise could have received. I use these words discipline, scholarship, and culture not without discrimination. The college has trained men to think—to think for themselves and to think for others. Such training is usually obtained within the first two years of the course. It is the result of pursuing the mathematical, linguistic, and scientific studies. These studies are a first-rate gymnastic for the student; they produce intellectual strength. The college using them becomes a drill master, and the student having the advantage of the discipline given through them becomes keen and broad in vision, swift and constant to infer, true and impressive in applying and using. Such advantages are the best results of what we now call the old New England country college, and indeed of the college, be it new or old, whether within New England or without.

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If the chief value of the services of the American college lies in the training of men, we are yet to bear in mind that the college has been the greatest of all contributors to scholarship. If we must confess—as indeed we must—that the American college has not achieved in scholarship what it has in discipline, or what the English universities and German have achieved, yet it is to be affirmed that whatever scholarship we may claim has found in the college its fostering mother. Many, though by no means all, of the advances which have been made in our knowledge of the laws of nature have been made under the patronage of the college, even if they have not been directly made by its officers. Most of the researches into the condition of early races of this country or of the Latin and Greek peoples, or of the natives of the far East, have found in the college their chief supporters and leaders. Archæological museums are usually organized in connection with colleges. Our acquaintance with the literature of the Roman and Greek peoples—the two peoples which, together with the Hebrew, have most vitally affected modern civilization—is derived largely through the college. Without the college, scholarship would be bereft of its most useful agency and its most healthful condition. The American scholar has usually, though by no means always, been an officer in the American college. The college library has been his workshop, the college laboratory his tool, the college desk his pulpit, and in the name and prestige of the college he has found a presumption in his own behalf as a scholar. Should one choose to mention the ten Americans who have contributed most largely to the progress of natural and physical science, eight of the ten would be found enrolled in the faculties of our colleges. The greatest American linguists, as well as the greatest American mathematicians, our greatest philosophers and psychologists, and several of our ablest economists and historians are found as teachers in our colleges.

The American college has possibly done more in laying foundations for culture than in directly cherishing culture; for the American college has been so deeply concerned with the primary disciplines that it has found little opportunity for affording to its students means and methods of the deepest enrichment. But it has given impulses; it has awakened aspirations; it has put before the student standards of taste; it has trained intellectual judgment; it has given to the great law of right a new

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value by showing the breadth of its application and the height of its reach; it has sought to create a refinement which is purchased neither by the elimination of robustness nor by the introduction of over-critical æstheticism; it has tried to train each man to love the best in literature, in music, in painting, in nature, in humanity; and it has striven constantly to cause the student to distinguish in everything, not simply the good from the bad, but, what is far more difficult, the better from the best.

This service of the American college in training men to live intellectual lives is of the greatest worth to this country and to this age. For, in this age and country of materialism, the college should minister to the things of the mind. The college should not directly attempt to stem the tide of materialism. The attempt would be useless. But the college may worthily hope to transmute the capacity for this material enthusiasm, even if not the enthusiasm itself, into a capacity for holding and delighting in relations which are eternal, spiritual, and ethical.

When one attempts to estimate the value of the college as a means of promoting literature, the task is, at first thought, a difficult one. For in any list of the writers of any one time and place, the number of college-trained men would not be found to exceed the number of those who have not received a college training; but when one passes out into the relations of a century and of a whole nation, the difficulty vanishes. It seems, of course, a rule of thumb to judge of the worth of the contribution which the college makes to literature through the number of authors it has trained, or even through the greatness of these authors. But the method has value. Of course, in general, the great worth of the contribution which the college makes to literature is to be measured by the extent to which the college maintains literary standards, inspires literary motives, and by the degree in which it cherishes literary atmospheres and conditions. And it may at once be said that the large number of the great authors of the country are college-bred. The inference is inevitable that the college has had a large share in the creation of literature. It would be generally acknowledged that of the five or six men who are regarded by common suffrages as the greatest poets of America, four out of the five, or five out of the six, are college-trained. No one also would hesitate to say that of the five greatest historians of America, all are also college-trained. It

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is significant, too, that they are all the sons of one mother. The first romancer, Hawthorne, and the first essayist, Emerson, are the sons of New England colleges. The great writers upon philosophical, ethical, and theological subjects represent with hardly an exception an academic training. In the large relations of time, it is the author of college training and enlargement who is recognized as the ablest and best. In England, the same condition, and even more signally, obtains. As one reads the biographies of her great authors, one seldom fails to find references to Cambridge, the mother of great men, or to Oxford, her sister, the mother of great movements.

America has made great contributions to the higher civilization of the world, but these contributions have usually been indirect. But she has made none more valuable than are found in the missionary movements of the Christian Church. These movements have been genuine and large endeavors for the establishing of a high type of civilization in countries not so richly blessed as our own. They represent the elements of the finest civilization. They include the teaching of the principles and the example of the monogamous family, the worship of one God, the institution of schools and colleges, the creation of a written language, and, to some extent, of a literature. Missionaries have reduced to writing some seventy languages, twenty-six of which are to be put to the credit of an American missionary society. In all these languages, a literature is either beginning, or is already somewhat advanced. Such labors represent linguistic and literary triumphs of a rare and exceedingly high order. And at once it is to be said that these missionaries who have been the bearers of civilization to South Sea Islanders and to degraded peoples in all parts of the globe, have, with few exceptions, found their most valuable training for this great service in the American college. It has been and is the policy of the foreign missionary boards to send to the lowest people the best-trained college man or woman. The American college, therefore, represents the greatest and most direct work which America has done for the world. The American college of poverty, of meagre equipment, of few teachers, as well as the mighty university of prestige, of eminence, of wealth, of vast numbers, has had a share in this magnificent service.

CHARLES F. THWING.

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WHAT THE COUNTRY IS DOING FOR THE FARMER.

BY W. S. HARWOOD.

VAST as has been the progress of the United States in manufactures, in commerce, in invention, and the like, there is perhaps no branch of our national life which has shown more immense advancement in the past thirty years than that of agriculture. As the century closes, agriculture is rising from the obscurity of the years. It long since passed the stage of empiricism and is entering more broadly than ever upon a sensibly scientific career.

There was a time—it is within the memory of many now living—when the only essentials in agriculture were that the farmer should buy his seed, plant, till, and reap. Indeed, there are wide regions yet where tillers of the soil still labor under the delusion that a man who has failed in all other lines may be successful in agriculture, that it requires no education, no preparation, no knowledge of science to be a successful farmer. The fact that so great a portion of our national domain in the Central West has been blessed with a soil of prodigal productiveness has led men, all unconscious of the real conditions of affairs, to place no confidence in anything but the soil's fertility, to accept failures of crops as unavoidable visitations of Providence, to ignore the aid which science stands ready to give all who will accept it.

But the patient, ignorant man who planted wheat year in and year out on soil that had become exhausted, who tried to raise corn on soil which was never intended for it, who never gave a thought to the rotation of crops other than to laugh at the suggestion, who went steadily forward through a succession of failures with a tenacity which would have been heroic were it not so pitiably stupid, this farmer, sad figure that he was, is passing; and in his place there comes the man who has learned that to be

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a successful farmer in the broad sense he must have education, he must rely upon science, he must fit himself liberally for his occupation. The instances where men have been densely ignorant of the rudimental elements of farming and yet have succeeded are so few that their existence serves to be valuable only as a proof of the generosity of the soil they have cultivated.

It has been the writer's fortune to be more or less intimately in touch with the work of one of the leading agricultural colleges and experiment stations of the United States for the last four or five years. In studying the scope of this dual institution, which is but a type of a large number now to be found in the United States, it has been manifest at every step that two dominant principles ruled. They may be stated in this wise :

1. The education to be given a young man from a farm should be such that he will be able to go back to the farm fitted to take up the actual work of the farm from the standpoint of an enlightened, educated, scientific workman.

2. That nothing should be taught with a view of leading him to forsake the farm at graduation, but that every possible influence should be brought to bear to cause his return to the farm as a preferred place for his life work.

In considering somewhat the importance of the agricultural advancement of the century, the influence of the agricultural colleges and experiment stations must be taken into consideration as an all-important factor. To the State of Michigan is due the credit of establishing the first agricultural college in the United States for the education of young men in the essentials of scientific agriculture. And yet this institution, the first of its kind in a country of vast agricultural possibilities, was not established until the year 1857. The progress thereafter in other States was slow and hesitating. The upheaval of the War of the Rebellion did much, North as well as South, to disturb the movement set on foot in Michigan. While the need of education for farmers was becoming more and more imperative, it required something more definite than anything which had preceded to crystallize public sentiment. In the midst of the Civil War the passage of the Morrill bill establishing what were termed land-grant colleges for the purposes of agricultural education, was not an act attracting great public attention; but when the war was over the wisdom of the provisions of this measure—now well known to the public

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—became apparent and the agricultural colleges began springing up all over the land.

There are now agricultural colleges, or those other universities or colleges having agricultural courses which come under the provisions of the Morrill bill and reap its benefits, in every State and Territory in the Union, and in every section but Alaska.

Perhaps even more important in some ways in the wide growth of agricultural education in the last twenty years than these agricultural colleges are the experiment stations established, as a rule, in connection with the colleges and supported by government funds. Director A. C. True, of the Office of Experiment Stations of the United States Department of Agriculture, defines an experiment station as an institution in which scientific and practical investigations are made with a view to improving the methods of agriculture or introducing new crops or industries, the primary object being to apply scientific principles and methods to the problems of agriculture.

The first agricultural experiment station in the world was established within the last half-century, a product of German thought. This station was established near to the city of Leipsic, at a little town named Moeckern, by a number of intelligent farmers who were anxious to make use of the aid of science in conducting their farms. This was in 1851, and since that time about three hundred similar stations have been established in the world, broader in their scope and wider in their possibilities than the humble gathering of German farmers, but no more true to the demands of a higher agricultural education. Connecticut established the first experiment station in the United States in 1875, and there are now forty-six stations in the United States, several of which have sub-stations for the carrying on of field experimental work. Each station receives the sum of $15,000 per annum from the general government for its maintenance, and there are various bequests from private individuals and from individual States increasing this amount handsomely in some instances. It requires about eight hundred thousand dollars per year to pay the expenses of the stations.

The act of Congress establishing this important system of agricultural experimentation outlines the object and duty of the stations as follows:

"To conduct original researches or verify experiments on the

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physiology of plants and animals—the diseases to which they are severally subject, with the remedies for the same ; the chemical composition of useful plants at their different stages of growth ; the comparative advantages of rotative cropping as pursued under a varying series of crops ; the capacity of new trees or plants for acclimation ; the analysis of soils and waters ; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds ; the adaptation and value of forage plants and grasses ; the composition and digestibility of the different kinds of foods for domestic animals ; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories."

This, of course, is a more or less perfunctory outline of the duties of these institutions. It is hardly possible to mention a department of modern agriculture into which the experimental work has not been carried to a large, a practical, and a commercially satisfactory conclusion.

In the colleges which aid in the present-day diffusion of the knowledge of scientific agriculture there are extended courses of study, embracing investigation into almost every science in the curriculum, while the original investigation carried on by the professors and the advanced students in the coördinate work of the experiment stations in connection with the colleges, affords an admirable opportunity for putting into practical form the theoretical knowledge of the books as well as giving an impetus to still more extended original investigation.

One is bewildered when one comes to a consideration of the practical results of the investigation of these experiment stations and of the teaching and investigation of the agricultural colleges. In every portion of the country, whatever be the product of the particular location, the scientific educator and experimenter of the last twenty years has been able to protect the farmer from ravages by injurious insects, to teach him how to conserve the products of his soil, to help him to enhance the value of the products of his labor. Let me give an instance or two coming under my own observation.

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In the great wheat regions of the Central West, particularly in that portion of the Mississippi Valley embraced in the States of Minnesota and North and South Dakota, millions of dollars worth of wheat have been destroyed in the past years by the devastation of the chinch bug. Various kinds of preventives were used with greater or less success, but they were not eradicators; they were makeshifts. Scientific investigators in various experiment stations began experiments looking to the cultivation of a particular bacillus or spore that constituted a disease from which the chinch bug was sure to die. Healthy bugs were collected, dusted with the disease which had been cultivated on some of the various mediums suitable for its growth, and the artificially contaminated bugs were scattered among the healthy ones. The result, even on a moderate scale of treatment showed a rapid distribution of the disease among the healthy bugs. Further experiments carried on in the summer of 1895, and under way in the summer of 1896, indicate clearly that the end of this scourge is at hand. It has been demonstrated that, if the farmers, to whom the disease is sent in closed glass jars, will do their part in intelligently following the instructions of the station experts, the danger from a pest which has worked enormous havoc is practically at an end.

In the institution of which I have spoken the instructor in the veterinary department some two years ago began investigation into the use of tuberculin as a test for consumption, or tuberculosis, in cattle. He selected some of the choicest cattle on the station farm—cattle of various important strains of blood. The use of tuberculin as a test or as a curative in human beings had been checked by apparent failures; but this investigator, believing there was virtue in the tuberculin, began his series of experiments with vigor and scientific sense. He found a large percentage of the high-bred home herd of cattle responsive to the test. Some of the animals were killed and the inerrancy of the tuberculin shown in all cases. Others, shown to be diseased by the unfailing symptom of rising temperature after treatment, were isolated and treated for several months in a manner original with the instructor, the results showing remarkable curative powers. Some of the animals which had been shown to be highly consumptive were killed after some months of treatment and the diseased tissues were found to be largely healed. Investigations in the same

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and other schools now under way indicate that ere long there will be a complete cure assured in a large percentage of the cattle found diseased. The veterinarian in point has treated herds of dairy cattle in all portions of his State, and the tuberculin under his hand has proven effective in discovering tuberculous cattle in at least 98 per cent. of the cases. The result has been that all those things which have been inimical to the health of the cattle—as poor ventilation, filthy stabling, innutritious food, all tending to promote tuberculosis—are now being remedied ; for the dairymen find that they cannot sell their products when made from cattle reeking with disease, no matter how sleek their sides, and the whole system of dairying of the State is being overhauled and improved as a result of the investigations of one of the instructors in one department of the agricultural college and experiment station.

Take another instance.

A well-known professor in one of the Western institutions of this type has been for ten years conducting a series of investigations in the breeding of wheats. He has demonstrated by a careful selection and consummate skill in breeding one type of wheat to another, that immensely increased yields of grain result. He has conducted the experiments on a small scale, naturally, as it requires a long time to get results when the experimenter starts with only two kernels of wheat to produce a race of wheat, but the investigations have shown that it is wholly feasible to produce a type of wheat, absolutely original in nature, which will increase the yield of wheat in this country, and perhaps in the rest of the world in similar latitudes, by an enormous percentage. During the season of 1896 the experiments are being carried out on a more extensive scale than ever, and the result of the field work at one of the sub-stations is quite likely to add some new and powerful varieties of wheat which will replace the already high type of the famous wheat regions of the Northwest.

So one might enumerate instance after instance, not confined to any one section of the country, to show the singularly practical nature of the work done in these agricultural colleges and experiment stations.

At regular intervals the colleges and stations issue bulletins, usually stripped of all scientific verbiage, which are distributed free of charge through the mails to the farmers of the State.

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These bulletins contain the condensed results of the experiments in the breeding of cattle, in the improvement of small fruits, in the methods for the destruction of dangerous insects, in food analysis to determine both for man and beast what foods are most helpful, in soil analysis to find out what grains particular kinds of soils will best produce, and in a wide variety of other lines.

Through the kindness of Director True, of the office of Experiment Stations at Washington, I give this condensed statement of the scope of the work now in progress at these stations, all of which work is done in the institutions which conduct agricultural courses for the education of farmers.

Thirty stations are studying problems relating to meteorology and climatic conditions. Forty-three stations are at work upon the soil, investigating its geology, physics, or chemistry, or conducting soil tests with fertilizers or in other ways. Twenty stations are studying questions relating to drainage or irrigation. Thirty-nine stations are making analyses of commercial and home-made fertilizers or are conducting field experiments with fertilizers. Forty-eight stations are studying the more important crops, either with regard to their composition, nutritive value, methods of manuring, and cultivation, and the best varieties adapted to individual localities, or with reference to systems of rotation. Thirty-five stations are investigating the composition of feeding stuffs and, in some instances, making digestion experiments. Twenty-five stations are dealing with questions relating to silos and silage. Thirty-seven stations are conducting feeding experiments for beef, milk, mutton, or pork, or are studying different methods of feeding. Thirty-two stations are investigating subjects relating to dairying, including the chemistry and bacteria of milk, creaming, butter-making, or the construction and management of creameries. Botanical studies occupy more or less of the attention of twenty-seven stations, including investigations in systematic and physiological botany, with a special reference to the diseases of plants, testing of seeds with reference to their vitality and purity, classification of weeds and methods for their eradication. Forty-three stations work to a greater or less extent in horticulture, testing varieties of vegetables and large and small fruits. Several stations have begun operations in forestry. Thirty-one stations investigate injurious insects with a view to their restriction or their destruction. Sixteen study

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and treat animal diseases or perform such operations as the dehorning of animals. At least seven stations are engaged in bee culture, and three in experiments with poultry.

The influence of the graduates of these agricultural institutions upon the farmers in the vicinity to which they go after being graduated is very great. Some of the earlier institutions made the mistake of introducing too extensive a course of such studies as were needed for ornament rather than for use, and to this, no doubt, is to be attributed the failure of a good many students of agricultural colleges to return to the farms for their life work. The more advanced institutions of to-day, however, are aiming to make the instruction appropriate for practical uses on the farm rather than to attempt that pleasant and, indeed, commendable, but in this case inappropriate, breadth of culture which is afforded in more classical courses.

In order to ascertain with as much definiteness as possible the percentage of students in agricultural courses who go back to the farms, the writer requested the following information from the presidents of the various agricultural colleges and from the presidents of such colleges and universities as have agricultural courses :

1. The number of students in agriculture.

2. The number graduated since the establishment of the college.

3. The percentage of students in agriculture going back to the farms after graduation.

Some of the institutions are universities having agricultural courses, some have distinct agricultural colleges in the body of the university, some are agricultural colleges alone, and some are industrial and agricultural combined, so that it is difficult to arrive at absolute definiteness. The following table, however, prepared during the month of July, 1896, will give a comprehensive view of the work. It will be noted that the number of students in agriculture going back to the farms varies much. In some States there is little agricultural activity, and there is a tendency in some quarters to a too generous curriculum, leading the young men to enter the professions rather than to become agriculturalists : the model institution will so shape its courses that the student will perforce become an agriculturalist.

No account is made in this table of the large number of

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students who do not graduate, but who, after one or two years of work, return to the farms. Neither is there any showing of the very large number of actual farmers who attend the schools for dairymen, running for a month or two each season in many of the agricultural colleges established to give farmers a more scientific knowledge of this particular line of farm work, nor of the many young women, not regular students, who come in from the farms to study a few weeks or perhaps two months in the branches particularly helpful to them—dairying, dressmaking, physiology, care and cooking of foods, farm chemistry, and all the various lines which may be included in the department of domestic economy. A very important work is done in these two last-named departments which does not have any statistical value. There are no graduates in these schools for non-students, and courses of study are not so much followed as are plain, practical talks and lectures from professors and instructors. And yet the influence of even this fragmentary work is of great value.

The table referred to is as follows; where the name of the State alone is given the institution is a part of the university of the State:

Name of institution.	No. of students in agriculture.	Number graduated.	Percentage returning to farms.
Iowa Agricultural College	96	252	50
Alabama Agricultural College	103	167	10
Colorado " "	232	80	80
North Carolina " "	20	56	25
North Dakota " "	11	2	100
Maryland " "	20	—	90
Pennsylvania " "	340	305	—
Massachusetts " "	176	476	62
Texas " "	181	53	14
Mississippi " "	122	183	75
Oklahoma " "	167	6	60
New Hampshire Agri. College	153	157	20
Michigan " "	234	622	34
Utah " "	—	5	50
Rhode Island " "	121	19	90
Vermont " "	79	10	40
Indiana Sch. of Agri., Purdue University	64	175	75
Wisconsin	98	12	50
Cornell University, New York	141	86	100
Alcorn Agri. College, Mississippi	200	80	50
Nebraska	45	—	75
Ohio	84	28	—
West Virginia	6	—	100
Storrs Agri. College, Connecticut	138	120	75
South Dakota Agricultural College	24	46	—
Minnesota " "	233	138	92

The total number of students in agriculture in the various institutions of the United States in the autumn of 1896 will be

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in the neighborhood of five thousand. Nearly four thousand have been graduated since these institutions were established. Nearly eleven millions of acres of land have been granted to these institutions by the general government, and over nine million five hundred thousand dollars have been realized from the sale of the land so far put on the market. The value of the buildings and grounds of the various institutions is about sixteen millions of dollars; of libraries, a little over one million of dollars; of scientific apparatus, two million five hundred thousand dollars; while the annual revenue amounts to over four millions of dollars.

The agricultural progress of the closing century has been made under great difficulties, at the cost of untold treasure, at the sacrifice of enormous natural resources, amidst the almost criminal squandering of precious substances. The nation has not been "strangled with her waste fertility," for there has been vast return from the labor expended, so generous the soil; and yet, judged by the progress made since scientific agriculture began to distribute its forces, the coming century will witness a development of new, and a restoration of old, soils resulting in returns undreamed of by the most sanguine followers of the noble calling of agriculture.

W. S. HARWOOD.

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SOME LATER ASPECTS OF WOMAN SUFFRAGE.

BY THE RIGHT REV. WILLIAM CROSWELL DOANE,
BISHOP OF ALBANY.

MOST questions and issues have their season. But the issue and question of woman suffrage, like death, seems to have "all seasons for its own." It sows its tares, like the enemy, while most women sleep; and with a vigor and a vigilance worthy of a better cause, the promoters of it are everywhere and all the time at work. It was to be supposed—and by most of the women opposed to suffrage, it was supposed—that nobody would venture to suggest to the representative party gatherings at the last political conventions, to stop and think about women's votes, when they were stirred to the utmost by the great financial questions about silver and gold; and when each party was laboring to do that which would unite its different factions. But the suffrage women certainly were silverites, in the sense that they preferred speech to golden silence, and insisted on being heard. No one of the anti-suffrage women imagined, either, that that question could be brought into the Presidential election, but Mrs. Victoria Woodhull Martin—name neither *clarum* nor *venerabile* to some of us—announces the discovery, which she made twenty-six years ago, that the written words of the Constitution of the United States giving her the right to vote will this year be operative; that the Colorado women will vote for Presidential electors this fall, and that "the next President may owe his election to a woman." Under these circumstances, I should be glad to call the attention of the readers of the NORTH AMERICAN REVIEW, in its columns, to the claims of women who desire not to be burdened with this duty, and to some new light thrown upon it by things that have been said and done within the last few months. I begin with the constitutional interpretation of Mrs. Martin. She

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is the editor of a magazine called *The Humanitarian;* and the leading editorial in the issue of the magazine for July, 1896, is devoted to woman's suffrage. It is prefixed by a recent photograph of Mrs. Victoria Woodhull Martin, and interspersed woodcuts of her in various attitudes; first, before the Judiciary Committee of the House of Representatives, modestly reading an argument; secondly, boldly accepting a nomination for President of the United States in Apollo Hall, New York, while a multitude of men's hats, flying in the air or held on canes, are waved by manly hands; and, thirdly, with the poetical and classical affix "*Victoria Victa*" standing with her sister, to be denied the exercise of the electoral franchise, in the city of New York, on the 7th day of November, the year not being given. Mrs. Martin considers that the cause of woman suffrage in America is virtually won.

"If it be conceded that the women of the State of Colorado should vote for the President at the Presidential election of 1896, on what grounds of reason or justice shall the women of the other States of the Union be debarred from voting too? To permit the women of Colorado to vote at the Presidential election and to exclude the women of the remaining States will be an illogical and invidious position which cannot be maintained."

There is a little difficulty in the fact that Colorado, Utah, and Wyoming are the only States in which women are permitted to cast their votes, the woman's vote in Kansas being only in municipal elections. And there is a little discouragement, too, in that New York, in its Constitutional Convention, denied suffrage to women by a vote of two to one; that the Legislatures of South Carolina and Rhode Island have just refused it; that in Massachusetts 95 per cent. of the population of the State declined it by a popular vote; and that other States have, to say the least, not granted it yet. But difficulties and discouragements do not disturb Mrs. Martin. "The cause of woman suffrage," she says, "is virtually won." I am glad she is content with the winning, and hope that it may go no further. But there is a discrepancy between Mrs. Martin's satisfaction and her argument. Her satisfaction is that a single State, Colorado, permits its women to vote. Her argument is that the State has no call or concern to deal with the question at all, since it is settled, she says, by the 14th Amendment of the Constitution of the United States. Of this fact

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she was the original discoverer twenty-six years ago. The only result, so far, was her unsuccessful nomination for President, in Apollo Hall, and her unsuccessful attempt to vote at the polls in New York. Still she discovered this, acting, she says, "on her own initiative," whatever that may mean; and she states that "the day in which for the first time a woman's voice—her own—was heard, in the Judiciary Chamber at Washington, was not only the most memorable day of her life, but also a memorable day in the history of the woman's movement in America." "The argument," she says, "was lengthy," and "three weeks later the majority report was presented to the House of Representatives, admitting the basic proposition of her memorial, but"—by some most illogical inconsistency—"recommending that the petition should not be granted." She also adds that "the sensation which followed the printing of her memorial was *immense.*" And yet, in spite of this modest estimate of her discovery and its influence, she was not elected President and not even allowed to vote. Since that time, she says that the women suffragists have drifted away from her position and "gone back to the old discredited methods and worn-out cries." Mrs. Victoria Woodhull Martin admits one or two things with great frankness: that the progress of the cause generally is very far short of what it was confidently hoped it would be twenty-four years ago; that internal dissensions, divisions, and jealousies have been the bane of the suffrage movement from the beginning; that in England the subject has been dropped, "despite the platitudes of vote-catching ministers," "with a silence which is almost contemptuous." We thank her for the honesty of these admissions, which have in them a plain and strong argument against the fitness of women by temperament for political life; and echo her suggestion that those "who would govern others must first learn to govern themselves." But what of the constitutional argument? It strikes us as the weakest of all weak positions that have yet been taken from which to push this preposterous and dangerous claim. There is no faintest or remotest relation between woman suffrage and the 15th Amendment of the Constitution, which reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

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Women are not a race. They certainly are too many colored to be prejudiced by any one hue; and except upon the silly cry of emancipation, they are not, and have not been, "in a previous condition of servitude." So there is no shadow of reference to the case.

The 14th Article of the Constitution reads thus:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

But nobody is talking about abridging privileges or immunities to citizens. Mrs. Victoria Woodhull Martin means, of course, women citizens; but they have never been *granted* the privilege and immunity of voting, consequently the existence of the word "male" before the word "person" in our State constitutions does not *abridge* any woman's privilege, because she never had it. The Constitution does not deny that women are citizens, because women are persons. It does not, therefore, say that they have the privilege of voting; and Mrs. Martin falls between two stools, because she acknowledges that the Colorado women get their authority to vote by action of the State, and not by the Constitution of the United States; and she claims that voting is not a *privilege* but the *right* of women, which cannot, therefore, be counted under the constitutional head of privilege or immunity. I think it will be a long while before woman suffrage gets anything but a minority report in favor of it on this claim.

I find the same claim made by Mr. W. S. Harwood in the May number of the NORTH AMERICAN REVIEW. "The Constitution of the United States permits the suffrage of women;" but the positiveness of this assertion is stronger than the argument that sustains it. The article of the Constitution which declares that "all persons born or naturalized in the United States are citizens of the United States, etc.," deals with *privileges* and *immunities*, and not with the *right* to vote, or with any other right at all. And there certainly is a distinction between rights and privileges and between rights and immunities. The 15th Amendment, which deals with the right of citizens to vote, refers exclusively

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to questions of "race, color, or previous condition of servitude," and consequently has no reference whatever to *sex*. Mr. Harwood's application of the definition of a person as "a man, woman, or child" proves too much. He says that adultism (wretched word) is taken for granted. But if *all persons* are citizens in the sense of having from that fact a right to vote, then it follows that children have a right to vote. Mr. Harwood's attempt to get rid of the force of the word "male" in the second section of the 14th Amendment, "when the right to vote is denied to any of the *male* inhabitants of such State," limps badly. He says "there is no suggestion here that women may not be voters"; but there is plainly the suggestion that in the mind of the Constitution only male inhabitants are thought of as voters, else the argument would mean that denying a right to male voters was a crime with a penalty, but that it would not be a crime, and would have no penalty to deny the right to female voters. Over against his supposed case of a test question, "If the Colorado electors should decide the question of the Presidential election"—and may Heaven avert the calamity of such a close vote—over against this must be borne in mind the fact, that if not giving women the right to vote, in the State of New York, for instance, is a violation of the fourteenth article and the fifteenth amendment, because it is either "abridging privileges and immunities," or because it is denying or abridging the right to vote by "reason of race, color, or previous condition of servitude," then the electoral vote of New York might be contested on the ground of unconstitutionality. The fact is that the Constitution of the United States does not settle, does not deal with, this question of woman suffrage at all. The implication in the second section of the 14th Amendment is very strong, that the framers or the amenders of the Constitution take for granted that only males were voters. But the strong point is this, that throughout our history voting has been considered as belonging to men of full age; that it is so specified in many State constitutions (where it could not constitutionally be if the Constitution gave the right to women); that the female suffrage advocates have felt and still feel that their only way to secure the vote is by altering the State constitutions, to cut out the word "male" before "person," or to insert the word "female." And if Colorado women vote for Presidential

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electors this year, it will not be because the Constitution of the United States allows it, but because, no definite prohibition of it being in that document, the State of Colorado has decided what many other States disallow or have refused, that its women may vote. Whether that decision under all the traditions of our history and under the plain implications of the Constitution would hold before the court is for lawyers and not laymen to say.

The editorial just quoted from *The Humanitarian* states that woman suffrage is not in the forefront of American politics. It is not the fault of the women suffragists that it is not so this year. When the Republican National Convention met in St. Louis in June, 1896, Mrs. Lillie Devereux Blake presented to the Committee on Resolutions a petition, which, after a long preamble, asked to have introduced as a plank in the Republican platform, this resolution:

"*Resolved:* That we favor the submission of the question of woman suffrage to the qualified voters in all States where there is a demand for such submission."

What they succeeded in getting was this:

"The Republican party is mindful of the rights and interests of women. Protection of American industries includes equal opportunities, equal pay for equal work, and protection to the home. We favor the admission of women to wider spheres of usefulness, and welcome their co-operation in rescuing the country from Democratic and Populistic mismanagement and misrule."

With an incoherent inconsistency, which passes even ordinary feminine unreasoning, having secured *this* from the Republicans, they proceeded to the Democratic-Populist Convention in Chicago with a similar demand, but naturally not for similar reasons. Just why that hysterical gathering of revolutionary radicals, who attacked every sacred and stable element of government and society, did not add to their political heresies this disturbing of the divine balance of the sexes, this destroying of the peace and sanctity of home, passes comprehension; but they did not. Possibly they may have had in mind the St. Louis suggestion of their mismanagement and misrule and not been, therefore, attracted much to the women themselves. Mrs. Crannell says that it was "a convention of surprises," and Mrs. Crannell knows; for, under God, it was due to her quiet, clear, strong, dignified presentation of the argument against woman suffrage that the plank proposed by Mrs. Blake was not introduced into the Repub-

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lican platform; and that the whole thing was treated, in the Democratic Convention, with "a silence that was almost contemptuous." Mrs. W. Winslow Crannell, of Albany, both in St. Louis and Chicago, alone, and in the midst of a company of woman suffragists who were, as she said laughingly, "in the ratio of 16 to 1," did a service which the best of American womanhood is grateful for. And she illustrated, moreover, just what kind of power a true woman, not unsexed, can exercise in the way of political influence, so long as she is excused from entering the ranks of voters or candidates for office. She needs and asks no praise from me. I am glad that her admirable speeches at these two conventions have been printed and distributed by the Anti-Suffrage Association of the Third Judicial District of the State of New York. They deserve the careful study of everyone interested in this subject. Dr. Swenson, of Kansas, one of the Resolutions Committee, at the St. Louis Convention, said to her, after she concluded her speech: "I live in Kansas, where women vote. You voice my sentiments to the letter. I wish all women were of the same mind as you."

A few extracts from her two addresses will give an impression both of the ability and of the direction of her argument.

"Do you think that a solution of the problem that is vexing men's minds and casting shades of gloom over the whole country can be found in adding to the already unwieldy and uncertain quality called male suffrage, the vote of every woman in this land?

"For suffrage is not asked only for the women who are here to-day, but for every woman in our land, without regard to intelligence or morality.

"If there be any among you who believes at all in the extension of suffrage to all women, I ask you, seriously, is this the time for its inception? Have you not to face such problems as have not often vexed men's souls, and do you think it would be wise, at this time, to throw into the boiling mass of unrest and disquiet the uncertain element of woman suffrage?"

Mrs. Crannell's statistics as to the proportion of women suffragists to population is taken from the *Woman's Journal*, which is edited by the husband and daughter of Lucy Stone.

"I appear before you unwillingly; but as the representative of the many millions of women who have hitherto proved the "silent majority." I come from New York State where there are only 1,600 enrolled suffragists out of nearly 7,000,000 people, or 29 organized suffragists to every 100,000 of her population. I have also been asked to represent the home-loving women of Massachusetts, where there are but 51 organized suffragists to every 100,000 of her people; of Pennsylvania, where there are only 14 organized suffragists to every 100,000 of her population; of New Hampshire, where there are but 5 suffragists to every 100,000 of her inhabitants; of Connecticut, where there

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are only 23 suffragists to every 100,000 of her inhabitants; of South Carolina, where there are but 3 suffragists for every 100,000 of her people; of Arkansas, where there are only 3 suffragists to every 100,000 of her people; besides being asked to speak by women of prominence in California, where there are but 33 suffragists to every 100,000 of her people; in Illinois, where there are but 13 suffragists to every 100,000 of her people; in Michigan, where there are only 6 suffragists to every 100,000 of her people; in Kentucky, where there are but 32 suffragists to every 100,000 of her people; in Iowa where there are only 6 suffragists to every 100,000 of her people; in Virginia, where there is but 1 suffragist to every 100,000 of her people; in Maryland, where there are only 6 suffragists to every 100,000 of her people; in Maine, where there are but 12 suffragists to every 100,000 of her people; in Ohio, where there are only 11 suffragists to every 100,000 of her people; and in New Jersey, where there are but 8 suffragists to every 100,000 of her people. All these requests coming to me unsolicited."

She replies to what Mrs. Victoria Woodhull Martin calls "the worn-out cries of the suffragists," which are not so worn out as not to be shrill enough to be heard a good way off in various points:

"First: That women who pay taxes should have a ballot. In answer, we assert that the women who pay taxes do not want the ballot. The taxes are not conditioned upon the right to vote. That there is no discrimination against women in taxation. That taxation is the price the citizens pay for the protection of their property, their life, their liberty.

"That while there are in New York State 144,000 women who pay taxes, there are at least 1,500,000 women who do not pay taxes; and the granting of suffrage to these women would more than duplicate the evils from which the taxpayer now suffers.

"Second: That when women have the ballot, they will be employed constantly and at higher wages. The answer is shown in the fact that men vote and are yet unemployed.

"Third: That the cause of temperance will be helped when women vote. Statisties tell us that while the population of the United States has increased not 20 per cent. in the last two decades, the dram-taking and drug-drinking women have increased 500 per cent. *The Christian Advocate* is my authority for the statement that before the high-license law in Philadelphia, Pa., out of 8,034 saloon licenses, 3,696 were granted to women. In Boston, Mass., last spring, out of 1,100 liquor licenses, 491 were applied for by women.

"Fourth: If equal wages for equal work means anything at all, it means that no man shall be paid more for his work than the women are begging to receive. For instance, if that law could be passed and enforced, the merchant could say to his male employee that he could fill his shop with girls at half the price he was paying him, and while he preferred keeping the man at the higher rate, he must either discharge him or lower his wages to that which women were asking to receive.

"Fifth: The facts for the suffragists to prove are that suffrage is necessary for the protection of women, and that it would be beneficial to the state. They have not, and cannot, prove either. To-day, in New York State, and in many of the other States, a woman is protected better by the laws that men

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have made than by any she could make herself. A husband cannot sell his real estate unless the wife joins in the deed. He cannot deprive her by will of right of dower. The wife can by deed or will dispose of her entire estate, real or personal, whether the husband consents or not. A father cannot now apprentice his child or make a valid appointment of a testamentary guardian without the consent of the mother, if she be living. The wife can carry on business on her own account, and is entitled to all the profits and earnings in that business, and may contract as if she were unmarried. Every profession is open to women, and every occupation also."

The practical result of woman suffrage, where it has been tried, is, perhaps, the strongest argument against it. Let us notice the result, as Mrs. Crannell gives it in our own country:

"The suffragists speak of what has been accomplished by woman suffrage in a hazy sort of way. Let us have facts.

"Cheyenne, the capital of Wyoming, where women have voted for a quarter of a century, has a population of less than 12,000. I am told that in Cheyenne there are 25 licensed gambling-houses, and that saloons are as numerous as any other kind of stores; and it has been officially stated that not a single act of legislation aimed at the betterment of the human race has been passed in Wyoming through woman's influence. General Thompson, who managed the Democratic campaign in Wyoming, in 1892, said: 'The women's vote is the easiest thing in the world to get, and the easiest thing to keep, and the easiest thing to manipulate of any element in politics.' After six months' residence in Wyoming, divorce may be obtained for 11 reasons!

"The history of woman's influence in the legislative halls of the other States where woman suffrage obtains is not a glowing tribute to their intelligence or probity, and has been in existence too short a time to be given as precedent for the States East and South. The partial suffrage referred to is also a thing not to be boasted of by the women who desire the suffrage. The record of the Massachusetts vote is that, in 1888, 20,252 women registered in the interest of school suffrage, and most of them voted, for it was a warfare of religious sects—a Protestant and a Roman Catholic fight, such as would appeal to most women. The next year the number of women registering was reduced nearly one-half. In 1891, 3,000 women registered and only two-thirds of that number voted. The same thing was tried in Connecticut and only two and one-half per cent. of the women entitled to vote exercised that right. Do you imagine for a moment that they would do better if a full franchise were given them? Who are the women who would go to the polls in stormy weather? I do not need to prove to you gentlemen that the women who would vote 'early and often' are not the women to whom you would trust the ballot in case of need."

I turn to a very remarkable paper in the *Revue des Deux Mondes* called "*La Feminisme,*" which, I suppose, would be translated in English "Womanness," "in Australia and New Zealand," a paper written by Monsieur Pierre-Leroy Beaulieu. After speaking of the boldness of the Australian Colonists in

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social matters and "their disdain of the traditions, prejudices they call them, of old Europe," he says:

"They have taken up Feminism with the same ardor as Socialism. New Zealand in 1893 and Southern Australia in 1895 gave women political electoral rights. If certain classes, agitated with vehemence cried out loudly for the extension of the electorate to women in the colonies which have adopted it, as they still do in those which have not yet decided the question, the mass of the public, and especially the mass of women, care nothing for this reform. In the upper classes, the indifference of women is complete on this subject. I have talked with a large number of them at Melbourne, in Sydney, and in New Zealand, and, without exception, they have replied to me that they cared nothing for the right to vote. Among the middle classes of people, especially in the little Bourgeoisie, a certain number, without doubt, are more interested in it; but really the only people who hold to this political emancipation are literary women, professors, and teachers; and still more, they tell me, divorced people, whose private life is unhappy and whose character is soured. It is naturally this group that makes itself heard. The great mass remain silent, precisely because it is indifferent. At the bottom, this whole feminist movement is nothing but a great *humbug*, devised by politicians who are always in pursuit of new agitations, by those who have lost their positions, and by hot-headed people; and it commands in Australia two powerful assistants: First, the working party, because the extremes of Democracy always confound the words 'change' and 'reform'; and also because the chiefs of the syndicates think that the women of the working classes, entirely deprived of political education, will vote in the same way as their husbands; while the most of those of the higher classes will abstain from voting. The second strong support of the movement which one finds very powerful in Australia, in England, and in every Anglo-Saxon country is the party of Temperance, or still more of Prohibition, which dreams of the entire suppression of the sale of alcoholic drinks, to which idea the mass of women is absolutely given over. If the women of the middle and lower classes are less uninterested than those of the upper classes in obtaining the right to vote, if a large number of them choose to use that which has been given to them, it is because they feel keenly about the frightful influence of alcohol upon their fathers, their husbands, and their brothers; and because they and their children are the first to suffer. In effect, if women do not eagerly desire to be admitted to the electorate in Australia—and that is a fact incontestable by anyone who observes it in good faith; they did, nevertheless, use the rights which had been given to them, once, with great ardor, when, in the elections of 1893 in New Zealand, the first and only elections in this Colony under the new *régime*, 78 per cent. were enrolled and 64 per cent. voted. The proportion of men was still stronger, namely 72. The question of the sale of alcoholic liquors played an important part in this electoral campaign, and the Parliament elected at this time passed new laws severely regulating the sale of liquors. Important as it may be to put a rein upon the plague of alcoholism, it is, nevertheless, a serious matter to bring about a social and political reform so deep as the admission of women to the electorate, not because of what it is worth in itself, but for accessory reasons.

"There is here an example of the greatest evil of modern society—the

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subordination of all things to the electoral interest, the vote upon measures most important, without considering their intrinsic qualities and their future consequences, only because of the immediate results which can be expected from it. The very eagerness of the women in favor of the prohibition of alcohol, which has gained for them the sympathy of the Temperance party, does it not prove the tendencies of their nature which make least desirable their participation in the government? Is it not a witness of that tendency to decide, not according to reason, but according to sentiment—to go into extremes—to admit no middle ground? Is it not, above all, the proof of the favor with which they look upon 'grandmotherly' legislation, which would protect men against all danger and temptation, shut them up in a network of minuter prescriptions recalling the care, the watchfulness of every moment, with which the earlier years of their life were surrounded. There are curious contradictions among the promoters of this Feministic movement. There are the advanced people who have incessantly in their mouths the great name of Darwin and the theory of evolution. Why do they pretend to make in one day, then, woman the equal of man, although her subordinate position during series of ages (if it is not her original nature) has made her a very different creature. It is strange, too, that the same parties who preach the similarity of the two sexes should insist, beside the electorate, upon the eligibility of women and their admission to all the professions, and protest, on the other hand, against their employment in manufactories, not only because the work is injurious to their health, but because it prevents them from having leisure for the cares of the home, and because it destroys the family hearth."

M. Leroy Beaulieu's statement of a fact, often misstated, is very admirable: "Grant that woman is not inferior to man, but she is different. That is to say, inferior on certain sides, and superior on others. Let us leave her then to exercise her activities in the sphere in which that superiority has been demonstrated!"

It is quite possible that the fact asserted here, that the influence of women's votes would be exercised in favor of prohibition, may be claimed as an argument in favor of woman's suffrage. But that this does not necessarily follow is shown by the Wyoming experiences alluded to above. And more than that, leaving out of consideration the desirableness of prohibition—the philosophy of the question turns upon M. Beaulieu's reasoning that it demonstrates the danger of political questions being decided by sentiment and feeling, if the ballot were given to that part of humanity which is by temperament sentimental and emotional. If there came, however, as there may come, the introduction of religious excitement into a political question, there would be an aggravation of the danger most serious and alarming.

The arguments *pro* and *con* have been stated and repeated over

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and over. Little, if anything, new can be said on either side, only as the movement takes to itself some new phases or new phrases that need to be met. But against the argument of expectation, the constant claim that if or when women are allowed to vote the political atmosphere will be clearer, the corruption in politics will be done away with, and the best social and moral interests advanced—in answer to this argument of expectation stands the argument of experience, the statement of results where woman suffrage has been tried, the fact that it has not appealed to the women of the soundest, the safest, the most substantial character and position; and the argument of experience is strong, uniform, and pronounced against giving women the privilege of voting. If the movement does not die out of itself, if it is not broken up by the avowed "dissensions, divisions, and jealousies" within it, it is sure to be scotched and killed by its own outcome and results.

W. Croswell Doane.

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WHAT IS THE JUSTIFICATION OF MARTIAL LAW?

BY G. NORMAN LIEBER, U. S. JUDGE-ADVOCATE-GENERAL.

MILITARY jurisdiction is of four kinds, viz.:

1. Military law, which is the legal system that regulates the government of the military establishment. Military law is a branch of the municipal law, and in the United States derives its existence from special constitutional grants of power.

2. The law of hostile occupation, or military government, as it is sometimes called; that is, military power exercised by a belligerent over the inhabitants and property of an enemy's territory, occupied by him. This belongs to the law of war, and, therefore, to the law of nations.

3. Martial law applied to the army; that is, military power extended in time of war, insurrection, or rebellion over persons in the military service, as to obligations arising out of such emergency, and not falling within the domain of military law, nor otherwise regulated by law. It is an application of the doctrine of necessity, founded on the right of national self-preservation.

4. Martial law at home, or as a domestic fact; by which is meant military power exercised in time of war, insurrection, or rebellion in parts of the country retaining allegiance, and over persons and things not ordinarily subject to it.

It is to this last-mentioned kind of military jurisdiction that these remarks apply. Whether, under our political system, such a jurisdiction can exist, and, if so, what it is and by whose authority, or under what circumstances it can exist, and what would be its justification? as to these questions theories widely differ. For, even by those who admit that it may exist, it is claimed, on the one hand, that it is a constitutional power vested in Congress, and, in cases of emergency not admitting of delay, in the President; and, on the other hand, that it is purely the

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doctrine of necessity as applied to the right of national self-preservation; neither expressed nor included in any written law, but depending for its justification upon a question of fact—the fact of necessity.

The conflicting views on this subject were clearly stated in the celebrated case of *ex parte* Milligan (4th Wallace, United States Supreme Court Reports, p. 2), in which five of the justices sustained the theory of necessity, and the Chief Justice and three others contended for what, for the sake of convenience, I will call the constitutional theory. The majority of the court held as follows:

"It follows, from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial law may become a necessity in one State, when, in another, it would be 'mere lawless violence.'"

On the other hand, the minority, consisting of Chief Justice Chase and Justices Wayne, Swayne, and Miller, said:

"There is no law for the government of the citizens, the armies, or the navy of the United States, within American jurisdiction, which is not contained in or derived from the Constitution." And, further, what may be denominated martial law proper (*i. e.*, martial law at home), "is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

I cannot but think that the opinion of the majority presents the true doctrine—that of necessity. There is a difference of views as to whether the fact that the courts are closed is the conclusive test of the existence of the necessity justifying a resort to martial law, or rather that the fact that the courts are open is

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conclusive proof that the necessity does not exist, but this is not the main question at issue. That question is: What is the justification, law or necessity? And this question is of vital importance, for in the answer to it we must look for the safeguard against the arbitrary exercise of military power. But it is evident at first sight that there can be no such safeguard if there is not an ultimate responsibility on the part of him who has committed the arbitrary act, whether in person or by deputy. That is to say, when the war is over, there must be an ultimate responsibility before the courts. There can be no other safeguard than that. Take that away and the people are without any protection against the invasion of their civil rights by the military power.

In the arraignment of the King of England in the Declaration of Independence it was said: "He has affected to render the military independent of and superior to the civil power;" and, carrying out the principles of that arraignment, the makers of our Constitution agreed upon a bill of rights which was at all times and under all circumstances to prevent encroachment by the federal government on the citizen's inalienable rights of life, liberty, and the pursuit of happiness. In that bill of rights we find the following:

"ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"ARTICLE V.—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

"ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

Chief Justice Chase, in the minority opinion in *ex parte* Milligan, said: "We agree in the proposition that no department

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of the government of the United States—neither President, nor Congress, nor the courts—possesses any power not given by the Constitution."

But he further says:

"Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.

"The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. Congress cannot direct the conduct of campaigns, nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offences, either of soldiers or civilians, unless in cases of a controlling necessity, which justifies what it compels, or at least insures acts of indemnity from the justice of the legislature.

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists.

"Where peace exists, the laws of peace must prevail. What we do maintain is, that when the nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offences against the discipline or security of the army or against the public safety."

I confess that I cannot understand how this can be true when we have all these safeguards of the Constitution, which we know are not suspended by war; for as the Supreme Court has said, "the Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." * It is true that the privilege of the writ of *habeas corpus* may be suspended during insurrection or invasion, but, as Judge Cooley says: "The suspension does not legalize what is done while it continues; it merely suspends for the time this particular remedy. All other remedies for illegal arrests remain

* Not, of course, those against whom war is being waged.—Miller *v.* U. S., 11 Wallace, 268.

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and may be pursued against the parties making or continuing them."

Had the framers of the Constitution suspected that there lurked somewhere in it so dangerous a doctrine as that the safeguards of the bill of rights could be set aside by legislation, the Constitution in its present form would never have become the organic law of the United States.

For the danger is this. If that military power over civil rights, which we call martial law, can be called into existence by Congress by virtue of its constitutional powers, the military person, who acts within the limits of such legislation, would be protected by it; for Congress in enacting such a law would be acting under a constitutional political power; the act would be a political act; Congress would be the judge of its necessity; and the necessity could not be inquired into by the courts. Congress can not be controlled by the courts in the exercise of its political discretion. If it has the constitutional power to legislate on the subject at all, it must have the power of deciding on the occasion for the legislation. Is this not true of all the legislative powers? Is the power to regulate commerce, the power to declare war, the power to suspend the privilege of the writ of *habeas corpus* during rebellion or invasion, subject to a judicial examination of the necessity or occasion for the legislation? Can its expediency be inquired into by the courts? Certainly not. The exercise of such a power is a political measure with which the courts can not interfere.

"Redress may be given in court for an excess or usurpation of power, but there is no remedy for its abuse save through an impeachment, or at the polls. Nor can a court declare a statute unconstitutional and void when the objection to it is merely that it is unjust and oppressive, and violates rights and privileges of the citizen, unless it can be shown that such injustice is prohibited or such rights and privileges guaranteed by the Constitution. The propriety or justice or policy of legislation, within the limits of the Constitution, is exclusively for the legislative department to determine; and the moment a court ventures to substitute its own judgment for that of the Legislature, it passes beyond its legitimate authority and enters a field where it would be impossible to set limits to its interference, except as should be prescribed in its own discretion. The protection against unwise or oppressive legislation, within constitutional bounds, is by an appeal to the justice and patriotism of the representatives of the people. If this fail, the people in their sovereign capacity can correct the evil, but courts cannot assume their rights. The judiciary can only arrest the execution of a statute when it conflicts with the Constitution. It cannot run a race

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of opinions upon points of right, reason, and expediency with the lawmaking power. The question of the validity of a statute must always be one of legislative competency to enact it; not one of policy, propriety, or strict justice."*

And so, if Congress has the constitutional power to declare martial law in time of war, the courts cannot enter the field of its legislative discretion in the exercise of this power. Congress may abuse its power and put forth martial law, though there be no actual necessity for it, but the courts will not be able to give any redress for the abuse. If the Constitution confers this power on Congress, its decision as to the expediency of having recourse to it must be conclusive on the courts.

What, then, becomes of the theory of ultimate responsibility—that is to say, of the ultimate liability—in the courts of the military person exercising this kind of military power? The legislative act would be a justification which could not be impeached, and the person injured would be without remedy.†

In Mitchell *v.* Harmony (13 Howard, U. S. Supreme Court Reports, 427) the doctrine of necessity considered as the basis of a military war power—applied in this case to the taking of private property—was thus stated by Chief Justice Taney:

"There are, without doubt, occasions in which private property may lawfully be taken possession of or destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer, charged with a particular duty, may impress private property into the public service or take it for public use. Unquestionably, in such cases, the government is bound to make full compensation to the owner; but the officer is not a trespasser.

"But we are clearly of opinion that in all of these cases the danger must be immediate and impending; or the necessity urgent for the public service, such as will not admit of delay, and where the action of the civil authority would be too late in providing the means which the occasion calls for. It is impossible to define the particular circumstances of danger or necessity in which this power may be lawfully exercised. Every case must depend on its own circumstances. It is the emergency that gives the right, and the emergency must be shown to exist before the taking can be justified.

"In deciding upon this necessity, however, the state of the facts, as they appeared to the officer at the time he acted, must govern the decision; for he must necessarily act upon the information of others as well as his own observation. And if, with such information as he had a right to rely upon, there is reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it; and

* Cooley's *Constitutional Law*, page 148.

† See, in addition to *ex parte* Milligan, Griffin *v.* Wilcox, 21 Indiana, 370; Johnson *v.* Jones, 44 Illinois, 142; Hare's *American Constitutional Law*, Volume II., page 968, and Pomeroy's *Constitutional Law*, Sec. 709, *et seq.*

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the discovery afterwards that it was false or erroneous will not make him a trespasser. But it is not sufficient to show that he exercised an honest judgment, and took the property to promote the public service; he must show by proof the nature and character of the emergency, such as he had reasonable grounds to believe it to be, and it is then for a jury to say whether it was so pressing as not to admit of delay; and the occasion such, according to the information upon which he acted, that private rights must for the time give way to the common and public good."

We, therefore, have the two cases of *ex parte* Milligan and Mitchell *v.* Harmony, in which the Supreme Court of the United States rested the justification for the setting aside of the established safeguard of personal rights on necessity alone.

Professor Hare finds in Mitchell *v.* Clark (110, U. S., 630), a dangerous recognition by the Supreme Court of the martial-law power of Congress, but I think that the decision in that case will bear and should receive a different construction. The important question in the case was the constitutionality of the Acts of Congress of March 3, 1863, and May 11, 1866, whose object was the protection of military persons against suits for certain acts done by them during the war without authority of law.

The fourth section of the act of March 3, 1863, is as follows:

"Sec. 4. And be it further enacted, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress and such defence may be made by special plea, or under the general issue."

And the act of May 11, 1866, gave this provision a more extended application.

With regard to the act of 1863, Professor Hare says:

"This statute assumed that Congress may provide that an order from the President, or under his authority, shall be a justification for any search, seizure, arrest, or imprisonment done or committed by virtue of such order, or under color of any law of Congress, irrespective of the circumstances, and whether these did or did not require the exercise of arbitrary power. It operated as a declaration of martial law throughout the length and breadth of the United States, by authorizing any commanding officer, of whatever grade, to arrest and imprison the citizen or despoil his goods, irrespective of the circumstances, or the necessity which alone can justify an arbitrary deprivation of the natural rights guaranteed by the Constitution of the United States. It was therefore directly in the teeth of the principles laid down in *ex parte* Milligan, and may hereafter serve as a foundation on which to erect a government by the sword."

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Of the decision in Mitchell *v.* Clark upholding the constitutionality of these acts he says that "contrasting this decision with the language held in Mitchell *v.* Harmony we seem to be in another land and under a different system of jurisprudence, and no one who was not assured of the fact would believe that both judgments were delivered by the same tribunal."

And yet it is quite certain that Mr. Justice Miller who delivered the opinion in Mitchell *v.* Clark could not have attached that meaning to his words, for in his "Lectures on the Constitution" he says:

"A state of war does not change the relation of a citizen to his government, or displace the civil authorities outside the theatre of conflict" (citing *ex parte* Milligan); "what it may do there depends upon the circumstances and exigencies of the case" (citing Mitchell *v.* Harmony).

The acts of 1863 and 1866 related to three matters, viz: the removal of certain cases from State to United States courts; the protection contained in Section 4 of the Act of 1863, above given; and a limitation to two years for suits growing out of illegal acts committed during the war. Mitchell *v.* Clark was decided upon the question of the constitutionality of the limitation provisions; recognizing the right of Congress to fix a limit to the jurisdiction of the United States courts and thus to the jurisdiction of State courts in cases which can be removed from them to United States courts. In regard to the fourth section of the Act of 1863 the court made use of this language:

"It is not at all difficult to discover the purpose of all this legislation.

"Throughout a large part of the theatre of the civil war the officers of the army, as well as many civil officers, were engaged in the discharge of very delicate duties among a class of people who while asserting themselves to be citizens of the United States were intensely hostile to the government, and were ready and anxious at all times, though professing to be non-combatants, to render every aid in their power to those engaged in active efforts to overthrow the government and destroy the Union.

"For this state of things Congress had provided no adequate legislation, no law by which the powers of these officers were so enlarged as to enable them to deal with this class of persons dwelling in the midst of those who were loyal to the government.

"Some statutes were passed after delay of a general character, but it was seen that many acts had probably been done by these officers in defence of the life of the nation for which no authority of law could be found, though the purpose was good and the act a necessity.

"For most of these acts there was constitutional power in Congress to have authorized them if it had acted in the matter in advance. It is pos-

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sible that in a few cases, for acts performed in haste, and in the presence of an overpowering emergency, there was no constitutional power anywhere to make them good.

"But who was to determine this question? and for service so rendered to the government by its own officers and by men acting under the compulsory power of these officers could Congress grant no relief?

"That an act passed after the event, which in effect ratifies what has been done, and declares that no suit shall be sustained against the party acting under color of authority, is valid, so far as Congress could have conferred such authority before, admits of no reasonable doubt. These are ordinary acts of indemnity passed by all governments when the occasion requires it.

"In the legislation to which we have referred in the act of 1863, and the amendatory act of 1866, Congress seems to have well considered this subject, By the fourth section of the act of 1863 it undoubtedly intended to afford an absolute defence, as far as it has power to do so, in this class of cases."

Now, there is absolutely nothing in this language to indicate that in the opinion of the Supreme Court Congress could do more than by a retrospective law legalize what it might have legalized in the first instance. On the contrary it contains the express admission that there are things which it can not legalize. It attempts to draw no line, to lay down no rule pointing out what kinds of things Congress may and what it may not thus legalize. It simply says that which Congress may under its recognized constitutional power authorize to be done it may when its authority is not given in advance cover with an act of indemnity. There does not seem to me to be anything in this decision justifying the conclusion that the Supreme Court intended to fly in the face of its decision in *ex parte* Milligan and to lay down a different theory of martial law from that of necessity as there explained, or indeed to lay down any theory of martial law at all.

It has been claimed that the Reconstruction Acts are also instances of the exercise by Congress of its martial-law power; but they were not so regarded by the Supreme Court. That court, having under consideration the relation of the United States to States in and after rebellion, said:

"These new relations imposed new duties upon the United States. The first was that of suppressing the rebellion. The next was that of re-establishing the broken relations of the State with the Union. The first of these duties having been performed, the next necessarily engaged the attention of the National Government.

"The authority for the performance of the first has been found in the power to suppress insurrection and carry on war; for the performance of the second, authority was derived from the obligation of the United States to guarantee to every State in the Union a re-

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publican form of government. The latter, indeed, in the case of a rebellion which involves the government of a State, and for the time excludes the national authority from its limits, seems to be a necessary complement to the former." (Texas *v.* White, 7 Wallace, 727.)

According to the Supreme Court, therefore, the governments under the Reconstruction Acts were not the result of an exercise of the war power of Congress, but of the power to guarantee a republican form of government, which is an entirely distinct and independent power.

Dr. Francis Lieber, in a manuscript note to the "Instructions for the government of the armies of the United States in the field," which was found among his papers after his death, wrote as follows :

"As to martial law at home, which may become necessary in cases of foreign invasion, as well as in cases of domestic troubles, it has full sway in the immediate neighborhood of actual hostilities. The military power may demolish or seize property, or may arrest persons, if indispensable for the support of the army, or the attaining of the military objects in view. This arises out of the immediate and direct physical necessity, as much so as the law of trespass is inoperative against those who forcibly enter a house in a case of conflagration. This operation of martial law is not exclusive or exceptional. Any immediate physical danger, and paramount necessity arising from it, dispenses with the forms of law most salutary in a state of peace.

"The subject of the greatest difficulty connected with martial law is its existence in a country distant from the scene of military action, or in districts which are not in a state of insurrection. How far may it extend in point of geographical limits? How far may it extend in intrinsic action? Can it be dispensed with under all circumstances? How can people devoted to liberty limit its action so that it may not become a means of military despotism?

"It cannot be dispensed with under all circumstances, and if there were a law prohibiting it, it would break through the law in cases of direct and absolute necessity. The salvation of a country is like the saving of an individual life—it is paramount to all else. . . .

"It has been denied that the government has any right to proclaim martial law, or to act according to its principles, in districts distant from the field of action, or to declare it in larger districts than either cities or counties. This is fallacious. The only justification of martial law is the danger to which the country is exposed, and as far as the positive danger extends, so far extends its justification."

Does not this give all the emergency power that is needed for the protection of the state ?

It is, indeed, given as a reason why the military officer should not be held to a strict accountability under the doctrine that necessity alone will justify his act, that he will often find himself in

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the embarrassing and even dangerous dilemma of having to choose between imperilling the public interests with which he is entrusted and the risk of being held personally to account. But, as we have seen in Mitchell *v.* Harmony, the rule of necessity for an act done on the theatre of war is not that the necessity must be absolute, but that it will be measured by its surrounding circumstances, as they appear at the time when the act is done; and away from the theatre of war, which is the greater evil—that the military officer who is at least free to exercise his judgment should be responsible, or that the innocent citizen and community, who have no choice, but must submit to the military power, should suffer?

Chief Justice Chase, in the minority opinion in *ex parte* Milligan, adopted both theories of justification—martial law as a legislative act and martial law as founded in necessity. He expressed it in this language: "It is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

To the theory of the martial-law power of Congress others, however, add the further principle that the citizen whom the enforcement of an act of Congress authorizing martial law has injured in person or property has his remedy in the courts; so that their theory on this point, taken all together, is that Congress has the power under the Constitution to declare martial law when necessary in time of war, and the courts may determine the constitutionality of such an act according to their judgment of its necessity. For the reasons already given I do not think the courts could possibly have this power. If they did, all legislation of Congress would be subject to the supervision of the courts as to the necessity or occasion for it.

It has also been asserted that the principle that the constitutional power to declare war includes the power to use the customary and necessary means effectively to carry it on lies at the foundation of martial law. I cannot agree to the proposition. It is positively repudiated by those who justify martial law on the ground of necessity alone, and the Supreme Court of the United States stands committed to no such theory. It is con-

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tended that martial law may be authorized by Congress or resorted to by the President or his officers without such authorization, and that in either case its justification is necessity, and that though it be authorized by Congress the officer who enforces it is liable to have his acts judicially investigated and measured by the rule of necessity. But there is no foothold for such a theory. If Congress can declare or authorize a resort to martial law; in other words, if it can set aside the safeguards of the Constitution and substitute military power, or authorize it to be done, its doing so places the military act which it authorizes entirely beyond the reach of the courts, and there is no protection for him who is threatened with it, nor redress for him who suffers by it. It cannot be that the law of the land is so impotent.

Thus far we have been considering the powers of the national government and not of the States. When we come to consider the latter we find ourselves face to face with a political fact quite inapplicable to the former. Congress has no powers save those granted to it by the Constitution, whereas the Legislature of a State has a general power to legislate on all matters which can be made the subject of legislation, subject to the restrictions of the constitutions of the United States and of the State.

"In creating a legislative department and conferring upon it the legislative power, the people must be understood to have conferred the full and complete power as it rests in, and may be exercised by, the sovereign power of any country, subject only to such restrictions as they may have seen fit to impose, and to the limitations which are contained in the Constitution of the United States. The legislative department is not made a special agency for the exercise of specifically defined legislative powers, but is intrusted with the general authority to make laws at discretion."*

Therefore, in order to ascertain whether Congress has a certain power we look to see whether it is delegated to it by the Constitution; but when the question is whether the legislature of a State possesses it we look to see whether it is withheld from it by the Constitution of the United States or of the State. It follows that the existence of a power in Congress cannot be inferred from the existence of a similar power in the State legislature. I call attention to this because it has been attempted.

In the case of Luther *v.* Borden (7 Howard, 1) the right of a

*Cooley's *Constitutional Limitations*, page 104.

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State to use its military power in suppressing forcible resistance to its authority was considered. On the occasion which gave rise to this suit the Charter Legislature of Rhode Island passed an act declaring the State under "martial law" and calling out the militia, for the purpose of overcoming those engaged in an attempt to overthrow the established government; and in carrying out this purpose one of its officers, in obedience to the orders of his superior, broke into the house of a person engaged in this unlawful attempt for the purpose of arresting him.

The Supreme Court said:

"In relation to the act of the Legislature declaring martial law, it is not necessary in the case before us to inquire to what extent, nor under what circumstances, that power may be exercised by a State. Unquestionably a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it. But the law of Rhode Island evidently contemplated no such government. It was intended merely for the crisis, and to meet the peril in which the existing government was placed by the armed resistance to its authority. It was so understood and construed by the State authorities. And, unquestionably, a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable, and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority. It was a state of war, and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition."

In regard to this case it is deserving of particular notice that it is an error to rely on it in proof of the theory that Congress has the power to declare martial law, in the sense in which we have been using that term. It is true that this was a case of so-called "martial law" declared by the legislature, but what did the legislature mean by it? The term has no fixed meaning even at the present day; different writers still give it different meanings. When the legislature of Rhode Island made use of it in 1842 it probably was intended to have no more definite meaning than that the militia of the State was to use its military power to suppress the enemies of the State. It was an authorization to do what was done when the military officer broke into the house of one of the enemies of the State in order to arrest him. He was a public enemy against whom the military power had been

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called out. It is evident that this is not the kind of martial law which we have been discussing.

And although the legislature did call it forth, the case of Luther *v.* Borden did not in any way depend upon which department of the government possessed the power; and accordingly the Supreme Court did not consider this question, but only the more general one whether the State possessed it. If the legislature in declaring martial law meant only to authorize the use of the military power of the State to put down its enemies, it exercised a legitimate legislative power, and this was probably all that it did mean, because the facts of the case of Luther *v.* Borden correspond with this view. In whichever way we look at it, that case is no authority for holding that in Congress is vested that martial-law power which we have been considering.

If the question were at the present time to arise whether the legislature of a State has the power to declare martial law, we would, in the first place, consult the Constitution of the United States, and there we would find this prohibition:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The Constitution of the United States affords protection, therefore, against the danger of a declaration of martial law by the legislature of a State as well as against the danger of its declaration by Congress. The principle holds true both as to the United States and the States that the only justification of martial law is necessity.

It is a well-settled principle that when a person is vested by law with a discretionary power his decision within the range of his discretion is conclusive on all, and therefore binding on the courts. This rule has been applied to the subject of martial law, and it has been contended that the officers who enforce it are acting within the range of their discretion, and are protected by the principle which makes them the judges of the necessity of the acts done in the exercise of a martial-law power. From my standpoint such an application of the principle is entirely wrong —for the reason that if martial law is nothing more than the doctrine of necessity called out by the State's right of self-defence the officer can have no discretion in the matter. He will or he

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will not be able to justify according to his ability to prove the necessity for his act; he will find no toleration of the plea that the necessity for his act, and therefore its justification, cannot be inquired into by the courts because he was acting within the sphere of his lawful discretion. The officer is not by any law vested with a discretion in this matter. Such a discretion and the doctrine of necessity can not exist together.

But this necessity need not be absolute, as determined by events subsequent to the exercise of the power. The Supreme Court has, as we have already seen, laid down the rule much more favorably to the person using the power. It is worth repeating:

"In deciding upon this necessity, however, the state of the facts, as they appeared to the officer at the time he acted must govern the decision for he must necessarily act upon the information of others as well as his own observations. And if, with such information as he had a right to rely upon, there is reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it, and the discovery afterwards that it was false or erroneous will not make him a trespasser. But it is not sufficient to show that he exercised an honest judgment, and took the property to promote the public service; he must show by proof the nature and character of the emergency, such as he had reasonable grounds to believe it to be, and it is then for a jury to say whether it was so pressing as not to admit of delay; and the occasion such, according to the information upon which he acted, that private rights must for the time give way to the common and public good."

Under the Constitution of the United States there can never be any justification for the exercise of the military power to which these remarks relate other than the rule of necessity as thus applied.

G. NORMAN LIEBER.

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PROTECTION OF BANK DEPOSITORS.

BY THE HON. JAMES H. ECKELS, COMPTROLLER OF THE CURRENCY.

THE national banking system originated in the financial needs of the government during the war period. However much Secretary Chase may have desired to have a uniform bank currency for the country, it is improbable that that object alone would have been sufficiently strong to secure the passage of the act of 1863. A desirable market for the sale of bonds, with the proceeds of which the war might be prosecuted, became a necessity before the close of the Rebellion; and, in the hope of attaining such a market, inducements, in the shape of profit on a bank-note circulation based upon government bonds, were offered to the public. A review of the history of the system shows that the Secretary's expectations in this direction failed of fulfillment. The feeling of the public was still friendly to the State bank system and to State bank circulation. That feeling had manifested itself in the discussion of the bank act at the time of its passage, and was sufficiently strong to have assured the defeat of the act if it had been then understood that the State bank note was soon thereafter to be completely eliminated from our circulating medium. It was only after the enactment of the statute placing a tax of 10 per cent. upon the note issues of State banks that the national system assumed important proportions, that a bank market for government bonds was established, and the country's bank-note circulation enlarged to any appreciable extent.

During the years of low prices of government bonds and high rates of interest the source of income to the banks was largely the profit arising from the issue of circulating notes. The deposit feature hardly received the attention it deserved, nor was it then the subject of a close and not infrequently dangerous com-

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petition upon the part of rival banks. The fact that the federal government had, through the office of the Comptroller of the Currency, supervision of the banks in the new system, the uniformity of method in their conduct, the required frequent publication of statements of their condition, the Comptroller's right of examination into their affairs, his power to enforce assessment against shareholders to make good any impairment of capital stock, and in case of failure to collect a double liability therefrom, all coupled with the providing of certain penalties for the commission of criminal acts by bank officers and directors, could not fail to give them a commanding position in financial affairs in the community where they were located. Under these favoring conditions they attracted to themselves extraordinarily large bank deposits. And thus it has come about that deposit banking is now the feature, and the issuing of circulating notes but the incident, in national banking, instead of, as in the early history of the system, the note-issuing function being the feature and deposit banking but the incident.

Whatever doubt the public may have at first entertained as to the value of a national bank note has long since passed away. Its interest in that question has given way to solicitude for the safety of the depositor. This changed condition has brought with it the need of stricter supervision over the banks upon the part of the government, and of enforcing more rigidly both the direct and implied powers which the bank act has given its officer to protect the people against loss through improper, imprudent, or criminal banking. The legal theory upon which the government takes to itself the right to supervise and control national banks is that they are fiscal agents of the government, and that the government is responsible for the redemption of their circulating notes. Beyond this legal theory, moreover, is the moral obligation growing out of the position which the government gives these institutions in the confidence of the public by assuming any right over them whatsoever. The average depositor has come to look upon the federal government as morally bound to insure to him in the largest measure the safety of his deposit in a national bank, just as the holder of a national bank note knows it to be legally bound to protect him against loss from the same. It is this fact which makes the position of all who have to do with national banking largely that of co-operative trustees with

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the general government for the protection of the funds intrusted to the keeping of these banks. In the same attitude are those connected with State banks under State supervisory law.

It is impossible that in the work of maintaining the solvency of any bank the supervising governmental officer should be able to accomplish more than a part. In the largest degree the duty of caring for its interests must fall, as it rightly should, upon the executive officers and directors of a bank. The directors select the executive officers, and they in turn are elected by the shareholders. The individual shareholders are therefore chargeable with a duty toward the depositor which is too often lost sight of, both by the public and themselves. When a bank failure or a bank defalcation occurs the public is apt to forget the duties of any official connected with it except the governmental supervisory officer, and is apt to charge him, because of this mere supervision, with a full responsibility, when the blame should fall wholly upon those whose oaths require of them to have such a knowledge of its affairs as would, if acted upon, have prevented such failure or defalcation. The Comptroller of the Currency and the State Bank Superintendent can do nothing more than undertake to obtain the best knowledge of a bank's condition possible, through examinations made and reported to them by agents of their appointment as frequently as the necessity of each case may seem to demand. Under the most favorable circumstances these examinations must be infrequent and limited in the time occupied in the making of them. The officers of the government, National or State, are not in a position to control each and every affair of the bank, nor to regulate the individual conduct of the bank's officers. They cannot pass judgment upon every loan as it is made, nor enforce the adoption of this or that particular method of bank bookkeeping. Their opportunities are confined to informing themselves upon certain matters essential to the proper discharge of the duties attaching to their office, to seeing that certain legal requirements are complied with, and to making suggestions as to the conduct of a bank, the carrying out of which rests entirely in the discretion and honesty of its officers. This supervisory control in no wise is intended by the law to relieve or excuse directors of banks from active vigilance on their part. It but emphasizes their duty in this regard.

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The National Bank Act created the office of the Comptroller of the Currency. His duty, outside of each year reporting to Congress a summary of the condition of the national banks of the country, together with statistics of the State and savings banks, and suggesting any amendments to the laws by which the system may be improved, is to carry into effect the laws relative to the organization, the conduct, and the liquidation of every bank belonging to the system. His power of supervision results from his duty to see that the shareholders of a bank maintain unimpaired the capital stock of such bank. In order to do this intelligently he is empowered to appoint, with the approval of the Secretary of the Treasury, as often as shall be deemed necessary or proper, suitable person or persons to make an examination of the affairs of every banking association. The person so appointed has the power to make a thorough examination into all the affairs of the association, and in doing so he may examine, if necessary, any of the officers or employees thereof on oath. The result of such examination is made to the Comptroller in a full and detailed report. The examinations of national banks are made as a rule semi-annually unless the conditions are such as to require more constant supervision. Their object, while primarily to ascertain if the capital stock of the bank is impaired, is so extended as to prevent any irregularities, violations of law, misappropriation of funds, or mismanagement on the part of the officers of the bank. They design as far as possible to detect criminal violations of the law, where such have occurred, and thus prevent further loss to the depositors and stockholders. The examiners act entirely under written instructions from the Comptroller. They are required in all cases to make examinations without any notice to the bank and as unexpectedly as possible. They commence their examinations at either the close or commencement of the business of the day, as it would be impossible to make comparison of all the assets of the bank with the books while the business was in active progress. Upon entering the bank, the examiner takes possession of all of its assets and retains them until he has counted the cash and verified all of the items of stocks, bonds, loans, and discounts, and balances on the ledger and other books used. He counts the cash, examines the list of loans and discounts and collateral held therefor, notes all loans and discounts to directors and officers, and to enter-

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prises in which they are interested. He also examines the list of all stocks, securities, etc., held by the bank and all real estate and mortgages held and owned by it. He takes off a balance of account of the individual ledger or ledgers, and verifies outstanding certificates of deposit, certified checks, and cashier's checks. He also takes off balance of stock ledger, examines stock certificate book, and profit and loss and expense accounts. He examines the minutes of directors' meetings, discount committee meetings, and shareholders' meetings. He examines into the condition of the lawful money reserve of the bank for the thirty days preceding the examination and compares the bank's copy of the last report of condition with its books at the same date. He is required to send out a verification circular on blanks furnished from the Comptroller's office to all banks to which or from which balances are due, to all parties from whom money has been borrowed on bills payable, certificates of deposit, or notes and bills rediscounted; to all parties to whom items have been sent for collection, and to all officials in whose name State, county, or municipal funds are deposited. Having done all this, he makes a report to the Comptroller of the Currency showing the character of the loans and discounts, the loans exceeding the 10 per cent. limit, the amount of overdrafts, the amounts of money borrowed by the officers and directors of the bank, the general character of the officials, the manner of the conduct of the bank, together with many other things unnecessary to be here enumerated. Upon the basis of this report letters of criticism are sent to the banks reported upon and an effort is made to have all matters at fault corrected. If the point is a serious one or the bank's condition a source of anxiety, letters are sent to the individual directors calling their attention to the letter of criticism sent the bank and a reply under the joint signatures of all is required.

In spite of all these precautions, and an honest attempt to enforce the provisions of the law, bank failures not infrequently occur, and defalcations are found. A search through the history of these failures, where there has been no dishonesty, but only imprudent and improvident banking, shows that in the majority of instances such banks engaged either in speculative enterprises or failed to receive attention from their directors. Bank defalcations, it has been found, are not less often due to inattention of

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directors or unwarranted overconfidence on their part in the bank's employees, or unwillingness to adopt the best methods of bank bookkeeping. They are most frequently detected by the examiners in comparing the balances on individual ledgers with those on the general ledger, and by verifying the accounts with its correspondent banks and bankers. The verifying of the accounts with correspondents has brought to light in more than one instance false entries on the books made to cover defalcations. Here and there a bank over which the Comptroller has no supervision refuses to furnish the information requested, but such policy is a short-sighted one, and is an encouragement to wrongdoing. The balancing of individual ledgers has given rise on the part of the Comptroller's office to more criticism than any other one point in the management of banks, because where a system of ledger is used which does not show the balance of each account kept therein, it is of course impossible for an examiner without spending more time than is at his disposal to verify its correctness, and thus a defalcation may he covered up for an indefinite time. That such is the case is clearly shown by the fact that in many instances where banks have adopted a more modern form of ledger, in compliance with suggestions from the Comptroller's office, defalcations have been discovered which otherwise would still have been undetected. The recent defalcation on the part of the bookkeepers of the Union National Bank of New Orleans, which delayed long in carrying out the suggestion of the Comptroller for a change of books, was discovered in transferring the accounts of the bank from the old style of ledgers formerly used to the new ledgers suggested. The same thing occurred in the instance of The National Shoe and Leather Bank of New York City, where a large defalcation was covered up by fictitious entries on the individual ledgers. As a means of preventing defalcation on the part of bank officials, either aided by confederates within or without the bank, the importance of adopting a daily balance system of individual ledger, or at least a three-column ledger which will show the balance of each account every time it changes, cannot be overestimated. In this matter, however, as in many others the supervisory officer of the government can only suggest the necessity of it to those in charge of the bank. The law gives him no power to enforce his sug-

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gestion. In some cases, when the danger is pointed out, the officers of the bank criticized resent the suggestion as not within the province of the Comptroller and wholly a matter for them to deal with. The balance of each depositor's account should be visible at a glance and a trial balance enabled to be taken off at any date with very little labor, so that a comparison of such trial balance could be made with the account of deposit on the general ledger, with which account the aggregate of balances should always agree. The best and final test, however, of the correctness of balances on the individual ledger, is a comparison with the same of the entries on the depositors' passbooks. The safety of a bank against defalcation, either through the act of a single official or through a conspiracy between accomplices, lies in frequently and regularly calling in such passbooks and having them compared with the ledger by some person other than the bookkeeper who makes the entries therein. Unless this test applied to passbooks is made, the directors of a bank have no guarantee, even with the best system of bookkeeping, that fraud may not be perpetrated. So, too, where more than one individual bookkeeper is employed, they ought to exchange ledgers from time to time without notice as an additional safeguard. In this connection it may be stated that this principle ought to be applied as far as possible to all the work done in a bank, as experience shows that the surest preventive against wrong-doing or dishonesty is some system which provides that the work of each officer or employee is verified and checked by a person other than himself.

It has been frequently suggested that the Bank Examiner ought, if he had called in the passbooks of the bank, to have discovered defalcations resulting from conspiracies between employees of the bank and outside depositors. The obstacle to this practice lies in the fact that it would consume more time in an examination than is practicable, and keep an examiner in a bank for so long a time that suspicion might be aroused as to its condition when no cause for such suspicion really existed. It would thus result that runs would be made upon banks, and perfectly solvent ones be compelled to close. It is not the duty of either the Comptroller or of his agent to attend to these details. It rests with the directors of the banks to insist that the executive officers whom they choose shall manage the bank with such care

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that wrong-doing is impossible. It is also their duty to see that this is done. The directors of banks too often fail to realize the importance of the office which they hold. They ought diligently and honestly to administer the affairs of the association over which they preside. They have no right to leave the management of the bank to the president, or cashier, or both, but ought to insist on knowing what is being done, and how it is being done. They ought to make thorough and frequent examinations of the bank, both as to the honesty of its conduct and the solvency of the paper which it accepts. It is their business to know that the transactions of the banks with which they are connected are properly carried out, and that such methods of bookkeeping and checking of accounts are adopted as would effectually remove opportunities for dishonesty. They owe this much to shareholders who elect them, and to depositors and creditors who, relying upon their doing their duty, give credit to the institution they are attached to.

It is not improbable that better results would be obtained in the examination of banks if examiners were paid a fixed yearly salary with an allowance for expenses. The mode of payment now in vogue is in most places, outside of reserve cities, an allowance of a fee of twenty dollars for each bank examination. Out of this sum the examiner is required to pay both his traveling and his living expenses. In order to meet such expenses and leave a suitable compensation for his labor, he must of necessity examine a bank with more rapidity than in many instances he ought. There are cases where several days should be occupied in the examination of a very small bank, but the examiner cannot afford to give the necessary time. If, however, he was employed under a fixed salary paid out of a fund to be contributed by all the banks, together with the payment of his necessary expenses, each bank with which he had to do could receive the attention which it demanded.

In the last analysis, however, the proper conduct of a bank must result more from the acts of those entrusted with its keeping than from the acts of the officers of the law. If such bank officers are dishonest, careless, or indifferent, the best governmental supervision and the closest scrutiny of their acts will many times be thwarted. If such directors and officers fail to pay every attention to the conduct of the bank's employees out-

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side of office hours as well as during them, they are apt at any time to be confronted with dishonesty and loss. They have no right themselves, nor have they a right to permit their employees, to indulge in speculation, whether it be upon the board of trade, the stock market, in real-estate subdivisions, or dubious manufacturing enterprises. The position which they occupy is so largely a fiduciary one that the community in which they reside has a right to expect of them the utmost care and prudence in both the keeping and the lending of the moneys which they handle. If they borrow from their own banks they should hold themselves to a stricter account as to security for their loans than they do to a stranger dealing with the bank, because they occupy the dual position of both lender and borrower. If they do not, they are apt to encourage wrong-doing among the bank's employees, engage in hazardous undertakings with the bank's funds, and ultimately involve the bank in scandal, themselves in disgrace, and the community in loss. The security of the bank depositor is certain to be maintained if bank officers and directors co-operate with the supervising officers and insist that both the spirit and the letter of the bank act be carried out. It can never be made absolutely sure, however, if the examining is all done by the governmental officers and none by the directors. Examinations by both, thorough and complete, are essential, and the depositor has a right to demand of the latter as much attention to official duty and official oath as of the former. He is entitled to the very best service of both.

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ELECTION TRIALS.

BY THE RIGHT HON. SIR CHARLES DILKE, BART., M. P.

It is difficult to compare the corrupt practices procedure of the United Kingdom with that of the United States. Each State of the Union has its own code, and there are great differences between State and State both in law and practice. It may, in fact, be said that there are 45 sets of election laws in the United States, and that they are being frequently revised year by year. It may, however, be of some interest even to American politicians, and to those who are concerned in purity of election, to explain the change in opinion which is taking place in Great Britain upon this difficult subject.

Some years ago, in consequence of the cost and of the unsatisfactory nature of election procedure on petitions questioning the return of members, jurisdiction in regard to them was transferred from the House of Commons to the judges. The original proposal was that each case should be tried by a single judge, but in consequence of the objections of the Irish members who feared partiality on the part of Irish judges, two judges were set to try each case. There were some of us who were always opposed to calling in the judges, and who believed that the Committee of Selection of the House of Commons would have been competent to construct a small Committee consisting perhaps of a partizan on either side, and of, say, three impartial members of high standing certain to give an unbiassed opinion in such cases. We feared that judges would insist on clear proof of some absolutely illegal act or act of corruption before they would unseat; and that no amount of evidence of doubtful practices at an election falling short of an established single clear case of a corrupt practice would secure the upsetting of a bad election. On the other hand, we feared that the clear proof of a single case of a corrupt practice would

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cause the voidance by judges of an election which might on the whole have been conducted with honesty and due care. The latter of these two apprehensions has, by universal admission, been completely justified. The former of them has not been so fully justified; but the great cost of election petitions, and the fear of both parties as to the effect of revelations, continue to cause the most corrupt elections of all to pass without question. We have by the selection of a Judicial tribunal, and by the passing of an extremely severe Corrupt Practices Law containing a maximum scale of expenditure, managed to whitewash our elections, or in other words to make them look far purer and far less costly than they are. But although the new law gave us pure elections—and it must be remembered that it came into force along with the Redistribution Act which altered most of the constituencies in 1885 and 1886—the evils which formerly existed have revived, except so far as they were remedied by the extinction in 1885 of a great number of the smallest and most corrupt of the constituencies.

In the United Kingdom alone, of all countries in the world, there is still an enormous disparity in the size of the constituencies. Before 1885 the extreme disparity was in the proportion of 240 to 1. Immediately after the redistribution of 1885 the extreme disparity was 8 to 1: but in exceptional cases, such as those produced by a comparison of three of the smallest boroughs with two of the divisions of the county of Essex, they now exceed 10 to 1, and reach 12 to 1. This tenderness to very small borough constituencies causes the continued existence of some constituencies which have been corrupt throughout their history, except, perhaps, at the elections of 1885 and 1886, when agents and candidates were too frightened to bribe. Our last Corrupt Practices Law contained within it not only a maximum scale, but a solemn declaration by the candidate that he had not paid and would not pay any sum in excess of the sums publicly "returned" in much detail. It is obvious that little bribery would take place if these returns by candidates could be depended upon. It is also obvious that a candidate who will pay money, well knowing that it is meant for bribery, will not hesitate to sign a false declaration. Apart from bribery, and as regards the case of elections for county divisions in which bribery is probably unknown—as it is now in the large borough constituencies—candidates unfortunately are found willing to make false declarations

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as regards total expenditure, and except in the case of scrupulous men the declaration is tending to become a mere form.

The judges never liked the duty which Parliament has thrown upon them; and since the recent attacks which have been made upon the impartiality of some of them, and especially on those—one Liberal, one Conservative, and one Liberal Unionist—who have retained their membership of party clubs, they like it still less, if possible, than they did before. The government have promised that a select committee shall be appointed at the beginning of the session of next year to consider the whole question and to propose some change: and it is perhaps well to begin by suggesting the changes which will be recommended to this committee by some of those who have pressed for its selection.

The cost of the existing system by which the judges try the petition in the constituency affected is, though great, not so great as the cost of the old system, when the witnesses had to be kept in London. Is it possible to hit upon a combination of an improved form of the old procedure before Parliament with that which is best in the existing system, namely, local investigation? It might be possible to send down to the locality a Statutory Commissioner, with power to make inquiries, to collect evidence, to hear the witnesses, and to report whether a *prima facie* case had been made out for trial, as well as what in that trial should be the issues to be investigated. At the present time the cost of the procedure is enormously increased by fishing inquiries of great length, which lead to no result, and hundreds of cases are started before the judges for one which is followed out to the end. Inquiry by a Commissioner would narrow the matter down to the points really deserving of decision by a competent tribunal. The ultimate trial might then be before the Parliamentary Inquisition. High character and perfect impartiality might be obtained for that tribunal if the Committee of Selection were directed to propose a very small committee, which would consist of men like Sir John Mowbray, Mr. Courtney, Mr. John Ellis, and others, of whom no member in the House of Commons would not at once recognize the integrity and the certainty of freedom from party prejudice in their decision.

It is difficult to go on as we are. After the last general election the cases of the most corrupt constituencies were as usual not brought up, while, as regards the others, a candidate has

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lately been unseated on the sole ground that a trifling sum had been paid without his knowledge for a single railway fare; and a candidate on the other side unseated because a few shillings had been paid, also without his knowledge, for the bait of a horse that had brought in some voters. A case at Southampton in the last twelve months gave general dissatisfaction because one member was unseated, and the other standing along with him retained his seat—a dissatisfaction which I do not share, as I think that the ground given by the judges in this case was defensible. In the case of the St. George's division of the Tower Hamlets 352, and in the case of Lancaster 117, offences were alleged, but they were narrowed down to a very few, and an immense amount of money proved to have been wasted without result. The Lancaster case, however, clearly raised a matter, also raised at Lichfield and in other places, namely, as to when an election begins. When we were carrying the last Corrupt Practices Act we distinctly refused to fix the date, and insisted that it should be left to the election judges to consider each case upon its merits. This, however, is one of the points in which candidates are most anxious to be given a clear rule; in fact, they want the channel buoyed for them. It might be seen, however, that if any date were fixed such as that of the issue of the writ, or that of a certain time before the issue of the writ, almost all the expenditure of a rich candidate would be made to take place before the date which might be agreed upon. As it is, candidates are apt to "return" their expenditure only from the date of the issue of the writ, and to try to produce confusion as regards previous expenditure, between that which is election expenditure, as under the hypothesis it in fact all was, and that which is either registration expenditure, or general party political expenditure, and which is expressly lawful and not necessarily to be "returned."

Although the corrupt practices legislation of this country is subject on many heads to fierce onslaught at the present moment, it is on this point of date that it is especially attacked. It is pointed out that while the law limits the maximum expenditure of candidates, and insists on all expenditures being made public, it traps the candidate by not fixing when he becomes a candidate. When I was concerned with the then Sir Henry James in passing through Parliament the bill which forms the foundation of our

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present law, it was, I repeat, our most special desire to abstain from fixing any such date. The objections from the point of view of candidates to having no date are obvious. The objections from the point of view of the public to having one are still more real. The moment a date is fixed candidates will everywhere, and to the greatest possible extent, spend as much money as possible before the beginning of their nominal candidature, and as little as possible after that date. The public are protected, so far as they have any protection, against the illegitimate use of wealth mainly by this existing uncertainty of the law. It may, however, be conceded that the whole of the maximum-expenditure plan has broken down, as indeed I always myself anticipated that it would break down after giving us one pure and cheap election. It may almost be cynically said that you can always obtain one pure and cheap general election by the process of passing a revolutionary Corrupt Practices Act, but that the ingenuity of agents and of candidates will prevent you from obtaining more than one upon a single act of Parliament, unless the machinery for hunting out and punishing abuses is greatly improved over the present plan.

The maximum scale is now exceeded everywhere—even in the purest county division—at every bye-election; and candidates and agents manage by some manipulation of figures to reconcile their "returns" to the obligations imposed by conscience. At a bye-election, when the rest of the country, electorally speaking, is quiet, all the party agents of both sides from all parts of the country are available. The result is that agents who notoriously would think themselves disgraced for working for less than a hundred-guinea fee, and whose able services are well worth the money, are found in dozens, instead of units, in the division, taking charge of little polling districts. At a general election, when nearly all well-worked constituencies are simultaneously fought, the average expenditure on each side is vastly less than at bye-elections, but the amount returned is about the same. On the other hand, at general elections, outside agencies, the expenditure of which is not returned at all, play a considerable part —for example, the licensed victuallers, who placard the country mainly on behalf of one political party, but no portion of whose large expenditure figures in any candidate's return.

It will be difficult under any system to prevent undue expendi-

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ture by wealthy men under the guise of registration, and in the shape of subscriptions to charities, chapels, cricket clubs, foot-ball clubs, and the like. Bribery and treating, however, can be prevented; but the merger of those small borough constituencies which have been retained, by means of a further scheme of re-distribution, is a necessary step towards the abolition of direct corruption. There are boroughs remaining which are and always have been corrupt, and which will remain corrupt, so long as they continue to exist at all. A special class of candidates is generally found for them. There are men who will stand for them who will not stand elsewhere; and still more men who stand elsewhere and who will not stand for them. There were many such constituencies destroyed by the last Redistribution Act, and the county divisions in which they have been merged have swamped the corrupt elements and are free from direct corruption.

All friends of purity of election in my country ought to press not only for such a reform of our laws against electoral corruption as has been shadowed out above, but also for a further redistribution of seats.

It is not feasible to exactly redistribute seats in proportion to population. We cling to our borough boundaries and to our county boundaries. And it is impossible to arrive at equality of size in parliamentary constituencies without cutting through county and borough boundaries in forming parliamentary divisions. Without, however, destroying either county or borough boundaries, the existing discrepancies of ten or twelve to one could be reduced to discrepancies of, say, two or three to one. And if, even without redistributing seats in London, or Scotland, or in English or Irish counties, or large boroughs, we were merely to extinguish the separate representation of the smaller boroughs, and merge them in the surrounding counties, we should have abolished almost all the direct corruption that remains.

It may be said that the election petitions which followed the last general election did not concern the small boroughs, but dealt with county divisions and large towns. There were two cases in London; there was a case at Southampton; there was a case in Scotland; there were cases in two large English county divisions which appear to justify this view; but no direct corruption was proved, and little was alleged in these; whereas

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we are all aware of the notorious existence, unchecked and unchallenged, of the grossest forms of corruption in some small boroughs, situate even in counties which adjoin London.

Ordinary bribery and treating are offences, the nature of which may be understood by their very names. There is one class of electoral offence which is peculiar to ourselves and which is worthy of very special notice. It consists in the payment of the travelling expenses of voters, or in the actual conveyance of voters to the poll. We have in this country an enormous class of non-resident voters. The great majority of the ownership voters in some divisions are still non-resident. The creation of purely incorporeal "faggot" votes is now forbidden. When first I entered upon political life I should have been able, as a lay impropriator of tithe, in several hardly fought county divisions, to have turned the election in each of them by dividing my holding among a number of stalwart politicians. This easy method of creating votes is now forbidden; but we still give a vote to the non-resident forty-shilling freeholder, although he has a vote in his own district where he lives. There are some Dons at the Universities, and there are some active politicians in London, who have qualifications of this kind in great numbers of county divisions. They are men of wealth, and they pay their own expenses when they go down to vote. In the case of my own constituency there are never less than two hundred working colliers, electors for the division, who are working in Wales, and few of those are able to pay their own expenses to come and vote, though some do so. If any person who may be sufficiently connected with me to be held in law to be my agent, without my knowledge, be appealed to by one of these men—both very likely being ignorant of the law—and sends him a railway ticket, I am unseated. It is a hardship or a dangerous risk, and careful candidates spend much of their time in guarding against it by personally warning every friend. To allow the payment of the expenses is to give overwhelming weight to the wealthy, but to forbid it as we now do seems hard to the voter, and is very dangerous to the innocent. The right remedy is a more purely residential suffrage such as exists in almost every other country in the world, so that we see how Election Petitions Law has carried us into redistribution of seats, and now carries us into franchise reform.

CHARLES W. DILKE.

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HIGH BUILDINGS.

BY A. L. A. HIMMELWRIGHT.

THE tower-like structures that have sprung up as if by magic within the past few years in the business portions of nearly all our large cities are indeed wonderful creations. These buildings are remarkable not only because they are unique in proportions and exemplify novel methods of construction, but also on account of their vast commercial importance. Take, for example, any of the larger office buildings, such as the "Manhattan Life," or the "Washington," in New York City, and the "Marquette" or the "Rookery," of Chicago. Buildings such as these shelter a host of persons engaged in mercantile and professional pursuits, who, in connection with their various occupations and enterprises, often employ as many as eight to ten thousand persons. Assuming that there are the usual five persons dependent upon each adult wage-earning male, it will be apparent that many of these buildings in supplying the necessary accommodations for the transaction of business furnish the means of support for forty to fifty thousand souls. When it is remembered that many of these buildings occupy areas less than one hundred feet square, the enormous value of building lots in the best business centres can be appreciated.

The reduced cost of iron and steel since 1888–90, the perfection of elevator mechanism, and improved methods of fireproof construction have made the high buildings of to-day possible, as well as practicable and profitable. The old methods of construction, in which the walls were designed to carry the weight of the various floors and the roof, have been revolutionized, and the steel skeleton frame now supports the entire structure, including in many cases even the exterior walls. The improved elevator service renders the upper stories of a building almost as

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accessible as those nearer the street level, while the former have usually the advantage of being better lighted and ventilated. As a result of these conditions, story after story has been added until twenty-story buildings are quite numerous, and twenty-five and twenty-eight story buildings are in the course of erection. Nor has the limit of the height of the steel skeleton-frame structures been even approximately reached. Buildings of fifty or sixty stories are evidently as feasible as those of thirty stories if the additional proportional cost of the foundations and structural iron should prove no obstacle to investors. Actual buildings of such enormous heights will, however, probably never be realized. This assertion is made, not on account of any apparent engineering or architectural difficulties, but because, sooner or later, there will be found a limit in the height of buildings depending upon many and varying conditions for each locality, beyond which they will no longer be profitable investments.

A few observant persons have discovered objectionable features in some of the high buildings. These have been publicly discussed from a prejudiced standpoint with the result that many regard high buildings with disfavor, and even with suspicion. They ask, "Are these buildings safe?" "Do they not shut out much-needed light and air?" "Will they not destroy the effect of beautiful architectural designs of adjacent buildings, and mar the beauty of our streets?" These are pertinent questions that may well command careful attention and study.

Antiquated laws framed before the advent of steel construction, neglectful owners, incompetent architects, unprincipled and careless builders, and the false economy of some of our municipal governments in failing to provide and maintain an alert and efficient building department—are all conditions that cannot fail to breed reckless as well as faulty construction. Occasional failures of buildings causing destruction of life and property are substantial proofs that at least some of these conditions exist in nearly every city. These failures, which are so eagerly snatched up and heralded by the daily press, are largely responsible for the popular but mistaken inference that all high buildings must necessarily be unsafe and possibly dangerous.

It may be stated authoritatively that when good and suitable foundations are provided, and the other details of the construction designed and carried out in accordance with the best modern

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practice, the high steel frame building of to-day is absolutely safe under all physical conditions prevalent in this latitude.

The liability of iron and steel to oxidize (or rust) is the principal defect in this system of construction. To prevent this evil, the structural iron when erected is treated to one or more coats of paint. Special chemical processes are sometimes employed for a similar purpose. The protecting films thus produced, when composed of suitable substances and properly applied, are impervious to air and moisture and render oxidation impossible. When, later, the iron work is encased in masonry and plaster, its isolation from the atmosphere minimizes the danger of oxidation and practically eliminates it. There exist, however, in many buildings, local conditions favorable to oxidation which are unavoidable. To correct any possible damage that may result in such cases the ironwork is so designed that any part may be removed if desired and new material substituted. The length of time that paint or other coatings will remain effective under the various conditions that obtain in the average building has not as yet been determined. Until authentic information on this subject is available, extreme vigilance should be exercised and the ironwork inspected at regular intervals, not exceeding twenty years. In the best and more recent designs of high buildings, the ironwork is so disposed as to be readily accessible for inspection.

Another important feature which bears directly upon the subject of safety is the protection a building affords against fire. Previous to 1892 very little was known about practical methods of "fireproofing." It was assumed that, if all the materials used in the construction of a building were incombustible, the building would necessarily be fireproof. Small fires breaking out in such buildings, causing serious damage and occasionally wrecking the entire structure, have proved the fallacy of that assumption. In order that a building shall be fireproof it is not only necessary that the materials used shall be incombustible, but also that those materials shall be so adapted and employed to the best advantage, that they may effectually resist disintegration and retain their strength and firmness under all the conditions that may arise in the case of a conflagration and the subsequent operations of a fire department. Careful, conscientious study of the requirements and the observation of the effect of fire and

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water on different materials have rapidly developed more efficacious methods in fireproof construction. The structural iron is now carefully encased and protected, the principle of air-spacing successfully and economically applied and all woodwork so far as practicable is replaced by stone, cement, metal, or glass. In fireproof buildings designed for business purposes the question of cost frequently precludes the use of the best materials. Until an equally low-priced substitute can be found, wood will be largely used for much of the interior finish and trimming. However undesirable this may seem in a fireproof building, actual fires have demonstrated that all the combustible material in several rooms may be consumed without any serious injury to the building, and that the fires are easily controlled and extinguished. The total damage in such cases is represented by the expense of replacing the consumed woodwork and furniture and restoring the damaged plaster.

The leading argument against high buildings is that they obstruct the light. Localities such as Nassau street, near Printing House Square in New York City, are pointed out as illustrating the wanton and exorbitant appropriation of sunshine and air. It is asserted that the high buildings at such places produce the effect of continuous walls on both sides of the narrow streets intercepting the light and rendering the streets dark and gloomy except for an hour or two at mid-day; that the offices and stores in the lower stories are dark; and that the circulation of pure air is greatly impeded. While these assertions are undoubtedly true, their application is much more general than is here assumed.

Everyone who is famiiiar with lower New York and other closely built up sections of our large cities, is well aware that block after block of buildings presents a solid front on the streets. The depth of the buildings generally averages between sixty and ninety feet, the average frontage about twenty-five feet, and the average height, five to seven stories. These buildings, flanked on both sides by solid party walls, are wholly dependent for light upon the windows in the front and rear. In some instances additional light is obtained by means of sky-lights in the roof. The majority of these buildings are dismally dark and artificial light must invariably be resorted to whenever they are to be used for business purposes. Even four or five-story residences, built

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under the same conditions, can boast of only a few well-lighted rooms in the front and rear, while the hallways and the interior rooms are gloomy and cheerless. When we find the same conditions as to light in four and five-story buildings as we do in extremely high ones, is it not evident that the problem of lighting must be largely independent of the height of the buildings?

What, then, is the difficulty? The answer is, faulty designing, primarily, and inadequate building laws. It is to be regretted that there are many architects (or more properly draughtsmen) who for a consideration are willing to smother whatever professional pride they may possess and, in opposition to their better judgment and good taste, cater to the vicious greed of unprincipled speculators and owners, Many of these speculators, intent upon securing the maximum floor areas, are entirely willing and often anxious to sacrifice light and ventilation to secure their object. Unfortunately the existing laws are not sufficiently definite or comprehensive to exercise the requisite corrective or prohibitory measures in such cases.

The question of light and air is, from a sanitary point of view, one of vital importance in the design of any building, be it a private residence, or a city hall. If the lot is bounded by high walls, it is distinctly the province as also the prerogative of the architect either to limit the area occupied by the building, or to introduce light shafts or courts suitable in number and size to afford sufficient light. The fact that there are so many poorly lighted buildings in all our large cities is conclusive evidence that the problem of light and air can only be regulated by judicious legislation. To arbitrarily limit the height of buildings in proportion to the width of the street on which they front, as was suggested in a bill recently introduced by a member of the New York State Legislature, would prove a serious blow to owners of real estate, and would certainly fail to correct a single one of the many flagrant evils that now exist. The bill serves, however, as an illustration of the vast amount of injury and the small amount of good that might result from bad legislation.

In Paris and Berlin a building may occupy only a certain prescribed proportion of the area of the lot on which it stands. A similar law exists in some of the larger cities of this country. These laws are very desirable in that they prevent the usurpation of space that is absolutely necessary for maintaining proper sani-

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tary conditions. The building laws both here and abroad permit, however, the entire frontage of a lot to be built up solid. This, in my opinion, is the root of all the evil. A law should be framed prescribing that only a certain proportion of the total frontage in the middle of the lot may be occupied by a building. A passage for light and air would thus be provided between all buildings which would render each independent of any and all others as regards light. Such a law would have many other advantages. It would afford better protection against fire and would facilitate the operations of the fire departments. Many of the perplexing difficulties experienced by owners of adjoining properties, when excavating for new buildings, would be obviated. The necessary stability as regards the maximum wind pressures would, to a large degree, determine the width (generally the frontage) of high buildings. The higher the building, therefore, the greater would be its frontage and likewise the greater would be the space between it and adjoining buildings. A practical illustration may make this statement clearer. Assume that a law as suggested prescribes that a building may occupy 80 per cent. of the middle portion of the frontage of a lot, and 72 per cent. of its total area. Let us select a twenty-six story building that is to be 320 ft. in height above the street level. In order to be stable under the highest wind pressures that have been observed in this latitude, this building should have an average minimum width or frontage of about 40 ft. The lot would consequently have a frontage of 50 ft. If, similarly, a building with a front 20 feet wide occupied an adjoining lot having a frontage of 25 feet, the space between the two buildings would be $7\frac{1}{2}$ feet. Again, if another building like the first were to be erected on a lot adjoining it, the space between them would obviously be 10 feet.

No more difficult problem has ever been presented to architects than the artistic designing of high buildings. When this problem is still farther complicated by the necessity of adapting the design so that it may harmonize with those of adjoining buildings, the task becomes well-nigh hopeless, and satisfactory results are seldom realized. If, on the other hand, all buildings were isolated, as is here proposed the utmost liberty of design and freedom of action would ensue. "The accomplished and experienced architect versed in all the historical practices of his

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art, gifted with imagination, inventive powers and common sense," unembarrassed by adventitious circumstances, could summon all his resources and produce results at once original, artistic and effective. Nor would his creation be marred or robbed of the smallest part of its grace and symmetry by contact with other designs; but complete and distinct in itself, sovereign in the simple yet potent charms born of the master hand, it would stand forth in its full glory—a fitting monument to genius and skill.

Fifteen years ago the idea of constructing twenty-five and thirty story buildings would have been deemed too wildly improbable to deserve consideration. They are now realized. Some of the tall buildings that have been erected since that time are, from an architectural standpoint, unattractive; but many of the more recent ones are beautiful and desirable. What the next fifteen years may develop can scarcely be conjectured. Artistic and philanthopic minds, assisted by intelligent legislation, may accomplish what may now seem miraculous. Instead of buildings wretchedly lighted and ventilated, composing the solid, wall-like street fronts with scarcely any variation of sky-line, color or design, there may be structures perfect in their adaptation to the special purposes each is to subserve, separated from each other by smooth walks, well-kept lawns, blooming flower gardens and clean streets; representing in their designs all that is best in every style of architecture from the remotest ages to the present time, enriched and diversified by color, and varying in magnitude from the romantic single-story Swiss cottage with thatched roof, to the towering office buildings piercing the sky with a thousand "turrets and spires and gilded domes."

A. L. A. HIMMELWRIGHT.

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GOVERNMENT BY PARTY.

BY GEORGE E. WARING, JR.

IT is a fixed idea with most men that the government of the United States can be carried on only with the contest and alternating control of two opposing parties. Surely our past experience has shown that this idea is unfounded; or, to be more exact, that two great parties, contending for the control of public affairs, have proven a menace to our safety, a danger to our liberties, a source of corruption to the people, and a disgrace to the nation.

The traces of partisan strife are evident in our very early history, and there has been little in our policy, for a hundred years past, that was not tainted with the trickery, insincerity, or misplaced passion of political warfare. If those who have the right to vote had the virtue to vote honestly and the sense to vote intelligently, our case would be other than it is. There is clearly a capacity in the American people to turn out a majority for the right side, without regard to party, in great emergencies, but only in great emergencies. We are generally led by the nose; it is only in great crises that we can be trusted to do our own thinking and to think rightly. Mr. Lincoln is said to have said: "You can fool some of the people all the time, and you can fool all of the people some of the time, but you can't fool all of the people all of the time." The sad truth that underlies this shrewd statement is that the majority of the people can be fooled nearly all the time.

The basis of "politics" lies here. Each party has its own rank and file always in training for any work it proposes, and it devotes its chief energy to the capturing of the great floating vote that occupies the middle ground between the two, and that may carry the control to one side or to the other. A portion

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of this vote means to be honest and must be deluded or converted; much of it is without conscience and must be bought —with good money or with promises—false or fair. The money and the promises are the munitions of the warfare, and they are used with the knowledge of the captains.

This is a severe arraignment of honored men who are the accepted leaders alike of "the grand old Republican party" and of those who pretend to follow "the great principles of Jeffersonian Democracy." That it is not too severe these men themselves know, when they stop to think; and it is known to unprejudiced observers of their conduct who have had an opportunity to learn the inner working of the party machinery that they control.

In this lies our danger, for no public interest is so vital, and no public honor is so sacred that one or other of the great parties will not follow its leaders in violating the honor or in sacrificing the interest to win an election, and to gain or to maintain control of the government.

The Republican party has trampled under its feet the honor of the enthusiastic and patriotic volunteers who rushed to fill the ranks of the army in the early days of the war, or who entered it from conviction afterwards, and who served out their full time faithfully; and it has burdened the people with more than the cost of the greatest standing army. It has done this by giving the name "The Defenders of the Union," and by paying more than a million dollars a year, to dead-beats, skulkers, bounty-jumpers, and deserters—and all to secure "the soldier vote."

The Democratic President has risked bringing the nation to the verge of war, and has spread disaster through thousands of happy and thrifty homes by the check to industry and peaceful enterprise which the threat of war must inevitably cause, much as he would play a trump card in a desperate game—and all "to fire the popular heart" in support of his administration.

In short it is rarely that any conspicuous act of President or Congress is done without an eye to its effect on party interests. If it is "good politics" it is done; if it is "bad politics" it is not done, no matter what the result to the real interests of the country. Those with whom politics is a business—or a game—may have their private convictions as to public policy, and if

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they were not pursuing the business or playing the game they might be controlled thereby. But the "iridescent dream" of political virtue must be swept away when the business is in hand of carrying an election, or of fortifying the defenses of the party.

It is not possible to divide a great nation into two political camps and to marshal the forces at the polls without a "machine." If it is possible to have a party machine that will not work against the best interests of the people, the way to do so has not yet been found. What has saved us thus far has been our trained habit of accepting the result of an election as final. No matter how bad that result may be, we know that a worse one would come of rebellion against it. The result itself is very often most unsatisfactory, if not actually bad. It is almost never very good.

One serious trouble is that the people have no control over nominations to office; the machine attends to that. The form of the primary meeting may still be followed, but its spirit was crushed long ago. Nominations are made well in advance—usually on commercial principles—by the leaders of the small clique who "make up the slate." The primary is held—and it is held like a fort—so that any man who is entitled to take part in it must be able to contend with ruffians if he proposes to influence its action against the prearranged programme, for here the "heeler" reigns supreme, and he carries out his orders with brutal vigor. The slated delegates are chosen to the convention and the slated nominations are there made. All that the people can do is to choose between the boss-prescribed ticket of one party and that of the other. Even in making this decision their action is very dependent on the effect of bribery and of the skilful false presentation of issues.

It is not a pleasant picture.

The whole world is forced to accept the fact that the primary is controlled by the more brutal party workers, and that the decision of nominating conventions is too often subject to the control of bribery. The "better element" of the Republican party was helpless at the recent primaries in New York, and they rose in feeble and momentary rebellion against their decision, only to subside into meek acquiesence, to "take their medicine" and to swing into line at the tail of the evil procession. In June

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I heard respectable gentlemen, returned from St. Louis, joking over the purchase of colored delegates from the South, gentlemen who would eject from their own offices and counting-rooms any men who were even suspected of holding light opinions as to commercial honesty.

The corrupting influence of all this infamy, and of its public condonation, reaches all classes, even the highest.

I once ventured to call the attention of a friend to some very unscrupulous conduct of a politician who stood high in the counsels of his party, and in the government. His only comment was: "He gets there all the same!" My friend is not only not a politician, he is a professional man of the best standing, and is held in high consideration. He had only absorbed the virus with which the community at large is so infected that no political crime is taken seriously, and that successful political trickery even gets its meed of appreciation for its cleverness. The effect of all this is not localized; it, and indifference to it, pervade every quarter of the country.

There is an old theory that, when the worst comes to the worst, what it is the fashion to call the sturdy yeomanry of the country will save us by its native honesty. This is nonsense. I have passed most of my life far from the great towns, where corruption is supposed chiefly to dwell, and much of it in agricultural occupations, and I do not hesitate to say that there is more ignorance of public affairs, and a keener disposition to regard them as a source of profit, among farmers than among those who live in cities—and that is not saying much for the latter class either. I once remonstrated with a very intelligent countryman, the owner of a Massachusetts farm on which he and his ancestors were born, who had become a local contractor in his suburban neighborhood. I told him he could not afford to go to the legislature, to which he had recently been elected, because without his management his two hundred laborers would lose him many times his salary as a member of the House. His reply was suggestive: "Why Mr. Wairn', you don't understand it; they dew say that a feller's vote is wuth a lot of money sometimes up there to Boston!" He was a shrewd man, but he had not the least conception of any thing but "smartness" in his deliberate purpose to sell himself for what he would fetch, and to fetch all he was worth.

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If our regeneration is to depend on the farmer vote, we shall die unregenerate.

Is it anything but unscrupulous party management that has brought us to this pass? Is it anything but the controlling spirit of party that has brought us to the serious, but less serious, danger with which we are now confronted. If the Chicago platform wins in the coming election, it will not be because the majority of the Democrats believe that the free coinage of silver will be a benefit to the nation, but because they have been so enslaved by the party that they are afraid to step out and vote as individual men, with individual opinions and individual consciences. The result may be financial disaster.

And what is the source of all this woe? Nothing under heaven but the game of one of the parties to ensure its long control of the Senate by admitting mining camps as States, in the fatuous belief that the Senators thus brought in would follow the lead of their Eastern pals. This game was played as "good politics," but it has lost. There is some ground for the hope that the rift made by these wild recruits will widen and spread until we shall be rid of this party; and the hope is not altogether desperate that the other as well may find its vanishing point in the next election. If either or both these boons should be vouchsafed to us, we may have a period of political virtue from which something may be gained. New parties always begin by being good, and it takes some years for them to become reduced to the mere winning of elections as their chief aim and purpose.

It has not been possible, in this sketch of the situation, to do more than to hint at the evidence of its seriousness; but evidence is not needed. Everybody knows, though not everybody will admit it, that the case is as is here set forth. Politically, there is no health in us.

The very serious question arises: What shall be done to open the way to a better method of government? Government of the people, by the party, for the party, is a failure. But this country is not a failure, and it will surely hew out its way to some safe system. This way has been opened by the almost universal extension of the Civil Service regulations, which withdraw from the parties the control of public offices, and the consequent means of bribery which held the workers of the party together by "the cohesive power of public plunder." It is no longer worth while to

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work for a political leader because of the rewarding salary such as he was formerly able to promise. The enormous fraudulent section of the pension list still remains, but this will not last forever. Even the young widows of veterans will die sooner or later; and many pensions now paid must surely be saved when Congress dares to open them to the light of day by requiring the whole local pension list to remain exposed at every post office in the land. Sheer shame will lead many a pensioner to take his name from the rolls when it is laid bare to the gaze of neighbors who know his demerit; and neighbors themselves will rise up in their wrath to put an end to palpable frauds.

More, however, is to be hoped from a change that is fast coming over the population of the country. The rapid growth of towns and cities as compared with the rural districts will before many years bring the majority of voters within the reach of influences which must have an improving effect. Already over thirty per cent. of the population of the country is living in towns of 8,000 and upwards, and this percentage is increasing with great rapidity. At the present rate of growth it will not be more than a few years before the fifty-per cent. mark will be passed; then the remote purchasable or deludable vote will lose its control. It is not meant by this that the vote of the town is by any means virtuous, but it is better than the scattered vote of the country, and it is much more subject to the influence of argument and example.

It is no longer questionable that our municipal government is destined to be greatly improved at no distant time. The leaven is working all over the land, and it is hardly too much to say that the reform that has taken root in the city of New York cannot fail of very wide influence. It is the fashion to say that reform in New York is a failure, but this is not true. It is not yet an unqualified success, but it has made a mark that is sure to last. It is true that it has taken a firmer hold in some of the departments than in others, but it is also true that it pervades them all to a marked degree. No unprejudiced man can study the condition of the city to-day, as compared with the condition of two short years ago, without acknowledging the great improvement in tone, in method, and in effect. It is true that some officials still try to fill the places in their control with political adherents, but it is also true that their power to do so

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is blocked by the Civil Service requirements of the new State constitution, and by the regulations of the State and city Civil Service boards. To-day no payroll can be accepted by the Comptroller of New York City unless it bears the certificate of the Commissioner of the department from which it emanates that all persons named in it who are subject to Civil Service rules have been employed in accordance with these rules, and also the certificate of the Civil Service Commission that it has examined the lists and has found this to be the case. Removal, except for statutory cause, is now prohibited, and appointments can be made only from the eligible lists, based—except in the case of laborers—on competitive examination. Thus the greatest source of political corruption is dried up, and we are rid of the class of public employees who had most to do with the subjection of the government to partisan politics.

The department that most affects the tone and character of the city government is that of the police. In spite of a law that should never have been allowed to become a law, and which is full of unfortunate limitations, the police is now vastly less objectionable than it was at the time of the Lexow investigation. So far as the Commissioners are concerned, the majority of the Board are efficient, save for the obstacles put in their way by the law ; their action is controlled by honest intentions, and they are working out the regeneration of the force surely, if slowly. The same is true in high degree of most of the other departments.

I venture to instance the Department of Street Cleaning because it is the one I know most about, and because it was possible to change its character more easily and more completely than any other—partly because it is organized under a better law and partly because Mayor Strong has steadily sustained its Commissioner in his determination to divorce it completely from all political control and influence. Still greater help has come from an almost universal desire on the part of the public to have municipal work carried on for its own sake and not for the sake of any party. The change was not secured without a struggle, but it was absolutely secured, and it is safe to say that the public is more than satisfied with it. This much of the city government is now, save for its high rate of wages, carried on on purely business principles and with the happiest results. The politicians acquiesce, perhaps perforce, in the change that has been made,

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and they would hardly dare attempt to return it to its former condition.

Herein lies good ground for the belief that when the people are given the same example of non-partisan management in the other departments, they will insist on continued independence of party in all municipal work. Such an example set by the greatest city of the country must inevitably be followed, in time, by similar independence in all other municipalities, and it will dawn on the better classes of the whole American people that a system that has succeeded in the towns can—and should—be adopted for the nation. It is not to be supposed that all men will think alike, nor that difference of opinion will not lead to difference of aim; and this will mean division at the polls. But men will not always herd together under worn-out party banners, nor will they, in the name of issues long dead, vote for men whose only purpose is to get office and to distribute spoils.

If there is a wide division, it will be between those who seek their own profit and benefit, and those who seek the good of the people. One need not be a blind optimist to believe that the ultimate effect of education and civilization will be to give the permanent victory to the latter.

Let us remember always that not more than one voter in five hundred is a politician, and let us hope that the five hundred will in time be able to emancipate themselves from the domination of the one.

GEO. E. WARING, JR.

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ENGLISH EPITAPHS.

BY I. A. TAYLOR.

DR. JOHNSON, in a contribution to the *Gentleman*, expresses his surprise that so little interest had been shown, at the time of his writing, in the subject of epitaphs. For since, as he observes a little grimly, while few indeed can expect to furnish matter for an heroic poem each one may confidently look forward to being recorded in an epitaph, it becomes no less the interest than the duty of every man to see that a branch of business in which he has so intimate and personal a concern is properly carried on.

It was possibly the motive suggested by the doctor which directed the labors of a very different writer, for there still exists, though a little out of sight, a thin and well intentioned volume, in which Mr. Augustus Hare, to meet a need and correct a scandal, designed to provide a collection of epitaphs by which the dead might be commemorated in more fitting fashion than he had found to be commonly the case. Whether the attempt, however praiseworthy, was one likely to meet with success is, it is true, doubtful. A shop for ready-made garments is not the place where men's living bodies are best fitted, and it does not at the first blush appear why the dead should be expected to range themselves in more convenient classes for wholesale and appropriate ticketing.

On closer inspection, however, it becomes clear that Mr. Hare's purpose was not wholly concerned with the dead. In his opinion the object of an epitaph is threefold. It should indeed commemorate the departed, but it should also comfort the living, and teach a lesson to the general reader. And of these three aims one cannot but be conscious that the importance of the first is not a little subordinated to that of the remaining two, and that, even in this matter of sepulture, the living have been

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given an undue advantage over the dead. Nor, whatever may be said of the generosity of the principle, can it be called less than just when we remember that each man's turn to take the second place awaits him, and that if his friend has distanced him in the involuntary race, it is certain that he himself, to borrow a phrase from one of these inscriptions, is "posting after."

In Dr. Johnson's opinion, at any rate, it was also the primary office of an epitaph to set virtue in the highest light, to exalt the reader's ideas and to rouse his emulation—to entrap unawares, in fact, the idle wanderer among the tombs, and compel him to confess that he has not, by remaining outside the church, escaped the sermon.

These, however, are but theories, and it is in the epitaphs themselves that must be sought the key to the place they have actually filled in the lives of men, to the longings and instincts of which they are the outcome and the result. And going to the epitaphs themselves, although the desire of reading a lesson to the living may find a more or less prominent place among them, there is surely another and more urgent craving to which the first rank should be given among the causes accountable for the innumerable monuments of the dead which cover the land. They are not merely so many school books or sermons in brief; they are, above and beyond these, the proclamation of a universal brotherhood, the cry of man to man, known and unknown, living or unborn, for pity, on the score of a common humanity, and a common mortality. "I was alive and am dead—be sorry for me," cry the dead. "I had and I have lost—be sorry for me," cry the living. And because—it is almost as if a menace entered in, and compassion were demanded at the point of the bayonet—because you will soon be in like case.

All through this literature of the graveyard the same appeal, for pity and remembrance, is made; whether with tragic dignity and poignant force; or through the doggerel, trite, or jesting, or pathetic, of a lower sphere; or even with the pedantic and lengthy grandiloquence which marks the panegyrics of the eighteenth century.

For whatever was the indifference complained of by Dr. Johnson, the time when he wrote was one when epitaphs were, if not at their best, at least at their longest; possibly indeed, since brevity was in his opinion most chiefly to be desired in such

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commemorations of the dead, the very long-windedness of his contemporaries may have led him to wish to direct their attention to earlier and better examples of the art. If a man is great enough, it is an insult to his memory to be over explicit concerning his claims to remembrance; if deeds deserve to be remembered, they will be remembered; if not, let them be forgotten—such is the dictum of the stern old lexicographer. But this is surely to place too high an estimate on human justice, and those who set themselves to guard the memory of the dead may be pardoned if they prefer rather to act upon the warning of Sir Thomas Browne, that "the iniquity of oblivion blindly scattereth her poppy, and deals with the memory of men without distinction to merit of perpetuity."

Whichever philosopher may be right, the eighteenth century, and to some extent the preceding one, was certainly a time when no one with any self-respect could be buried without taking the proper steps to let posterity—that posterity to which, surely by some mistake, Anne Spragge's grave at Chelsea is declared "sacred"—know all that was to be known about him, without acquainting it with the list of his virtues, his talents, his bad fortune and his good. There indeed the register stops short, for with some noteworthy exceptions and so far as the better classes are concerned, a decent veil is drawn over the faults and follies of those who lie below: and when here and there we catch sight of something not commending itself to modern taste as wholly admirable, it is mostly accidental, and not due to any intentional or deliberate betrayal on the part of the biographer. If, for instance, the "Conjugal Affection" shown by Baptist Noel, Viscount Campden, to four wives, and his paternal indulgence towards nineteen children, for which astonishing record, achieved at the comparatively early age of fifty, he is held up to the "Admiration of his Contemporaries and the Imitation of Posterity"—if these items in his panegyric no longer strike the reader precisely as they were intended, that is not the fault of the composer, but of an alteration in public sentiment for which he is in no way responsible.

Anne Spragge, on the contrary, the singular dedication of whose grave has just been mentioned, had plainly forestalled modern ideas on more subjects than one. "For a considerable time," it is recorded on her tombstone, "she declined the Matrimonial State, scheming many things superior to her Age and

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Sex, and under the Command of her Brother, with the Arms and in the Dress of a Man, she approved herself a true Virago, by fighting at sea . . . against the French." Alas! even Anne Spragge, before quitting this life, had suffered decline. She returned safe from that naval engagement only to fall a victim to fate like any common woman, to marry some months later, live half a year "extremely happy," die on the birth of her first child, and have a monument raised to her memory by a "disconsolate husband"!

Where crime was on so grand a scale as to constitute in itself a distinction the usual reticence was not, of course, observed; and upon the marble stone beneath which were laid, on his execution, the remains of Claude Duval, the celebrated highwayman, his titles to honor are recounted with a fine disregard of conventional morality, in the lines which end, "Old Tyburn's Glory, England's illustrious Thief; Du Vall, the Ladies' joy, Du Vall, the Ladies grief."

If, however, as far as *bona fide* tombstone inscriptions were concerned there was little but good to be learnt of the dead, the omission was amply supplied in those epitahs not intended for practical use, of which the composition constituted a distinct and favorite branch of literature. There are, indeed, few more signal and powerful examples of invective than are to be met with amongst them, as, for instance, in the magnificent arraignment of Francis Charteris by Dr. Arbuthnot, concluding with the words:

"Who with an inflexible constancy, and inimitable uniformity of life Persisted, In spite of Age and Infirmity, In the practice of every human vice——"

or, to cite an example in verse, in the four lines, not always to be found included among his works, by which Byron has rendered the memory of Castlereagh immortal:

"With death doomed to grapple,
Beneath this cold slab he
Who lied in the Chapel*
Now lies in the Abbey."

Whatever may be thought of the employment of such weapons against those no longer in a position to return the blow, there is a sort of justice in their use when they are turned, as in

* The House of Commons was formerly St. Stephen's Chapel.

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Bettersworth's lines, against such a past master in the art of invective as Swift himself :

> "Here lies one Swift, one Harley's master tool,
> Spendthrift or wit, who died at length a fool,
> Who for his jest ne'er spared or friends or foes;
> He's gone—but where—the Lord of Oxford knows."

Of more brutal abuse the lines upon Coleman, a "plotting Papist" of the reign of Charles the II., may serve as an example:

> "If Heaven be pleas'd when sinners cease to sin,
> If hell be pleas'd when sinners enter in;
> If earth be pleas'd when ridded of a knave;
> Then all are pleas'd, for Coleman's in his grave."

There were few literary men by whom the trade of epitaph writing was not in some measure plied, and Cowley, Waller, Dryden, and Pope had quite a crowd of lesser imitators. Sir John Beaumont was evidently popular in this line of business—a fact to which he draws attention in the lines on his "deare Sonne, Gervase," asking,

> "Can I who have for others oft compiled
> The Songs of Death, forget my sweetest child?"

a composition which contrasts curiously with that of Ben Jonson—another epitaph writer, but this time a poet too—on a similar occasion :

> "Rest in soft peace, and, asked, say here doth lie,
> Ben Jonson his best piece of poetrie."

That the trade in epitaphs was by no means confined to London or to the higher grades of society, but existed in rural places as well, there would be no reason to doubt, even in the absence of such evidence to prove it as that furnished by the story which relates how Ralph Gittins, "*bell-man and epitaph-maker,*" having been unwarily committed to prison by Sir John Bridgman, president of the marches of Norfolk, soon afterwards availed himself of the opportunity of vengeance afforded him in his enemy's death by the couplet,

> "Here lies Sir John Bridgman, clad in his clay,
> God said to the Devil,—'Sirrah, take him away.'"

The functionary entrusted with the duty of providing fitting tombstone inscriptions was, in fact, probably as indispensable an adjunct to village life as the sexton himself, the chief qualifica-

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tions for the office being apparently a power of rhyming, ingenuity in the tricks of punning and word-play, with a certain amount of that broad humor which not infrequently strangely converted the memorials of the dead into elaborate jests. And if invention should run dry, there was doubtless a large assortment of stock verses from which it would go hard but an adaptation might be made to suit the case in hand. So at least go to prove the variations from common originals, such as the verse, which at seaside places record, with slightly different wordings how the dead sailor or fisherman or boatman has started on his last cruise, "our Admiral Christ to meet," or the varying forms of that most pathetic quatrain which in St. Paul's Cathedral relates of the sleeper below that

"Whether he laughed, whether he cried,
Nobody smiled, nobody sighed ·
Where he is, and how he fares,
Nobody knows and nobody cares."

Sometimes, indeed, it would seem that the person charged with the task of adaptation was guilty of scamping his work. There is a stone in Cumberland raised in the fourteenth century by Deborah Harrison to her husband Augustus. But the name had proved too much for the local versifier, and the rhyme affixed stands thus :

"My husband lyeth dede
Ondyr thys ston ,
Dethe came to he, and seyde
Oh ! Oh ! John."

While the broad characteristic of an appeal for pity and remembrance belongs alike to all ages, the terms of the demand naturally differ according to time and circumstance. In some of the earlier English epitaphs it is the dead themselves who cry from their graves for compassion and, with an urgency not to be mistaken, make their passionate appeal for help and succour. In the realization of their supreme necessity that of the living is forgotten :

"For God's sake praye to the Heavenly King,
That he my soul to Heaven wolde bring ;
All theye that Preye and make Accorde
For mee, unto my God and Lorde,
God place them in his Paradice
Wherein noe wretched Caitiff lies."

Give and it shall be given to you—one observes the principle.

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Nothing for nothing would seem to be an instinct in human nature, even under circumstances into which it would not have been expected to enter :

"In the yere of Christ, on Thousand Fowr Hundry'd ful trew, wyth fowr and Sixteen, I Richard Skypwith, Gentyleman in Birth, late Fellow of Newe Inne, In my Age Twenti on, my Soul party'd from the Body :
And now I ly her, abyding God's Mercy, under this Ston in Clay ;
Desiring you that this sal see,
Unto the Meyden pray for me,
That bare both God and Man,
Like as you wold that other for yee shold,
When ye ne may nor can."

Another characteristic of some of these early inscriptions is the tender commemoration, not only of the spiritual part of those lost to sight, but even of the fair qualities of the perishable body. Thus we read that Anne, the wife of Richard II., was "of a comely Person, and a mild, lovely countenance" ; and "monsieur Edward," the Black Prince, from his tomb in Canterbury Cathedral, after lamenting his past greatness and riches, goes on to complain :

"My Beautye great is all quite gone,
My Fleshe is wasted to the Bone,
My house is narrow now & thronge,
Nothing but Truthe comes from my tongue.

And if ye should see mee this Daye,
I do not think but ye wolde saye
That I had never beene a man,
So moche altered nowe I am !"

The explanation is not far to seek. In those days faith was strong. The body was not lost and done with forever, but only temporarily gone into eclipse. The very eyes that were shut would open again, the dust-filled ears hear, the "mild, lovely countenance" recover its old beauty. It was an age when the spiritual and material met and touched. The intimate, and, as it were, personal relationship between God and man, lingering on even to a later period, finds expression now in the half-apologetic mention of the honorable death of Humphrey Bourchier, only to be lamented because it took place on the day when Christ rose from the dead, like a funeral crossing a wedding party; now in the lines which, recording the death of Lettice, Countess of Leycester, on Christmas day, explains that

"Christ did to Heaven her soul convey
To solemnize his own Birthday,"

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with a glad confidence that the festival would receive additional grace from her presence.

Passing on from the earlier examples, the personality of the survivors becomes more apparent in the monuments they raise. The list of the virtues of Lady Joyce Lucy is "set down by him, That best did know what hath been written to be true"; Lord Godolphin's "much-obliged daughter-in-law" erects his tomb; a "Friend's Friend" is responsible for Walter Harris' monument at Chelsea; the mother of Esther, Lady Eland, "herself almost buried in Sorrows," makes her daughter's sepulchre; and the inscription upon Thomas Clere's grave at Lambeth ends with something like a sob—

> "Ah, Clere! If Love had booted case or cost,
> Heaven had not won, nor Earth so timely lost."

About some early inscriptions there is an element of grim and uncompromising realism from which later times might shrink: "In this house, which I have borrowed of my brethren the worms, do I lye," says the sometime Bishop of the Isle of Man, from his tomb in his cathedral. "Reader, stop; view the Lord Bishop's palace and smile."

Equally distinct from the lengthy panegyrics of the eighteenth century and from the tender diffusiveness of other memorials, which seemed to take the world into the confidence of the mourner, is the poignant brevity of such inscriptions as the two words "Eheu, Evelina!" or such as these "Phillip Massinger, a Stranger;" as that of Wilkes on himself "A Friend of Liberty;" or, to take an example from fiction, "Alas, poor Yorick!" which, striking a single note, leave the rest a blank. Among such, though not coming under the head of English epitaphs, it is impossible to refrain from quoting the stone which, at Milan, simply adds to the name of the dead the words, "*Qui nunquam quievit, quiescit. Tace!*" Never quiet before, he is quiet now. Silence! Lest the restless spirit should wake and the restless brain begin to work. Surely the whole history of the man, in those few words, is told. "If he sleep he shall do well."

To the same category, so far as the note of singleness is concerned, though differing widely in other respects, belong such verses as the pitiful lines quoted by Nathaniel Hawthorne:

> "Poorly lived, Poorly died,
> Poorly buried, And nobody cried,'

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or the doggerel, alike pathetic and jocose, which in St. Alban's Churchyard tells how

> "Hic jacet Tom Shorthose, sine tomb, sine sheets, sine riches,
> Qui vixit sine gown, sine cloak, sine shirt, sine britches."

The tone of stolid if not complaisant aquiescence in the nakedness of poor Tom's lot, past and present, contrasts with the inscription which, on Samuel Butler's tomb at Westminster, recounts that in order "that he who, when living, wanted almost everything, might not, after death, any longer want so much as a tomb, John Barber, citizen of London, erected this monument."

Such *post mortem* atonements are probably not infrequent, and it will never be known of how many sepulchres remorse has been the architect; but to have wanted "almost everything" was possibly too common a fate among the class to which Tom belonged to seem to plain country folk to demand any special after-death compensation.

It is probably with inscriptions of the type of these last—inscriptions, it must be confessed, not always restrained by decorum and often scurrilous or merry or scoffing—that Mr. Hare has his quarrel, though he may likely enough include in it such well-intentioned blundering as that perpetrated on the stone which, raised to the memory "of our beloved parents," adds the question, "What is home without them? Peace, perfect peace." And doubtless from his own point of view there is no little justification for the disapproval with which he views a large number of such memorials. And yet how ill could they be spared—how worse than inadequately would the quotations he suggests from such writers as Mrs. Hemans, Mrs. Barbauld, Bishop Heber, and the rest, supply the place of these epitomes of the life stories of those who lie beneath the stones. For here, as nowhere else, we are brought face to face with the past, till by a paradox it seems to rise, clothed in flesh and blood, from among the tombs.

Here, for instauce, is Lady O'Looney, "bland, passionate and deeply religious. Also she painted in water colors and sent several pictures to the exhibition. She was first cousin to Lady Jones—and of such is the Kingdom of Heaven." A Paradise made up of persons of quality who dabbled in art!

And here is the hypochondriacal old maid "who'd many aches and fancy'd many more," and died at last, "leaving her Pothicary quite forlorn," and one Johnson, "a painful preacher";

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and another clergyman, surely not less so, who composed 500 sermons and preached more than 5,000 times! Here, too, is a couple who in death were not divided —

"She first departed, he for one day try'd,
To live without her; lik'd it not, and dy'd,"

and a cheerful if arbitrary assumption on behalf of a "very wicked man" killed by a fall from a horse—

"Between the stirrup and the ground,
I mercy ask'd, I mercy found."

And here are babies, many and various; an "incomparable boy," who died at birth; another who, having lived two years, tells us both why he came and why he left:

"The railing world turn'd poet, made a play,
I came to see it, dislik'd and went away";

and yet another infant, less easily persuaded of its good luck in dying, yet who, after some demur, allows itself to be convinced.

And then here and there among the rest, commonplace or jesting or trite, is struck some note, weird or discordant, like the verse in the Cornish churchyard:

"Here I lie without the walls,
Because there is no room within,
They kept such brawls;
Here I lie and have no rent to pay,
And yet I lie as warm as they."

Was it at the dead Lords of the Manor, arrogating to themselves sole right of burial within the sacred precincts, that the thrust was made, with its allusion to Death, the Leveller? However that may be, over respect for the dead was no invariable rule. Once leave behind the classes and places where decorum and grandiloquence reigned and a marked change is observable with regard to the sins and follies of those who are gone; and there is no lack of mention of them, whether in a spirit of coarse buffoonery or of deprecating apology. Thus we are told, in negative terms of condemnation, that under the stone at Cheshunt,

"Lies the body of Richard Hind,
Who was neither ingenious, sober nor kind;"

and at Great Cornard, in Suffolk, that,

"Here lies the body of Joe Sewell,
Who to his wife was very cruel,
And likewise to his brother Tom
As any man in Christendom.
This is all I'll say of Joe,
There he lies and let him go."

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One wonders why, since nothing better could be said of poor Joe, the survivors, doubtless wife and brother, should have been at the trouble and expense of raising a monument to commemorate his shortcomings, but they were not singular in the course they took, nor are other records of unhappy marriages wanting.

"Cy gist ma femme, fort bien
Pour son repose ce pour le mien"

is a couplet at Old Greyfriars, Edinburgh, as trenchant, though more laconic than the verse at Midhurst which records that—

"Beneath this stone
Lies my wife Joan,
To H—ll she's gone, no doubt;
For if she be not,
If Heaven's her lot,
I must (God wot) turn out."

An elaborate play upon words was a favorite form of memorial when the name of the dead invited such punning; and there is in Lincoln Cathedral a cheerful forecast as to the future lot of a divine named Cole. "*Cole* now *raked up in ashes* then shall *glow*," and a more sinister quatrain elsewhere in memory of one Sullen:

"Here lies John Sullen, and it is God's will
He that was Sullen, will be Sullen still.
He still is Sullen: if the truth you seek,
Knock until Doomsday, Sullen will not speak."

In Horace Walpole's manuscript there is a copy of an epitaph of the kind to be found near Salisbury, on a person named Button:

"O Sun! Moon! Stars! and ye Celestial Poles!
Are Graves then dwindled into Button-holes."

A joke based upon the profession practised by the dead was also a popular form of memorial. A blacksmith was thus said to have been "hotly employed in the service of his country. . . He made a great noise in the world till . . . death put out his fire, and here are laid his dust and ashes"; the reader is reminded, in lines commemorative of a huntsman, that

"The leap though high, from earth to sky,
The huntsman we must follow;"

and a billiard marker was said to be gone "for the long rest."

Nor were inscriptions of the kind confined to country places. The epitaph of Havard the comedian ends with the lines,

"The noblest character he acted well,
And Heaven applauded—when the curtain fell."

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The fashion of the world changes, and the trade of the epitaph-maker grows slack. Here and there, it is true, some one is still honored after the old custom, but for the most part a text, appropriate or the reverse, a brief record of birth and death, a word or two of vague and general significance, with possibly a simple expression of regret, have replaced in our modern cemeteries those shorthand histories of the dead, tragic or humorous, tender or severe,

> "Some stained as with wine, and made bloody,
> And some as with tears,"

which formerly marked their resting places.

It is not that in these later years men have lost that craving for remembrance which, as old as life itself, is so vain, in the case at least of the commonality of the race, that it might well be a subject for laughter were it not that what, seen from without is purely grotesque, assumes quite another complexion when it is touched by our own personality. It is not that the desire to be remembered is gone, and it is likely enough that in some fashion or another we should all still be epitaph-makers, for ourselves or other people, if we had not lost faith in the permanency of the work. But time brings involuntary wisdom. "Our fathers find their graves in our short memories, and sadly tell us how we may be buried in our survivors." "While I live," promises a lover, with melancholy truthfulness, in a Roman epitaph quoted by Mr. Pater—"while I live you will receive this homage: after my death, who can tell?" And so it comes to pass that, submitting to the inevitable, men learn to limit their aspirations, and to content themselves, by way of epitaph, with the "two narrow words, *Hic jacet*," with which, says Sir Walter Raleigh, "eloquent Death" covers all.

I. A. TAYLOR.

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THE ANIMAL AS A MACHINE.

BY ROBERT H. THURSTON, DIRECTOR OF SIBLEY COLLEGE,
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THE vital system, in spite of the study bestowed upon it from the days of Plato and of Aristotle, and by the most acute of modern men of science, remains to-day the most mysterious of all the wonders of creation. It embodies the representative energies of all the realms of nature. The chemist, the physicist, the engineer, the biologist, the sociologist, the student of mental philosophy, and the moralist,—all thinkers and investigators in all departments of science—find here problems as yet absolutely defying solution, enigmas of sphinx-like obscurity and of infinitely more than sphinx-like antiquity. They stand perpetually before us, challenging and tantalizing us by their familiar externals, by their always mysterious internal operations. All that we really know is that every animal, human or other, from the greatest of scientific men or the most famous statesman down to the most insignificant worm or almost protoplasmic organism, is a machine of marvellous intricacy and astonishing perfection; self-perpetuating; self-repairing; capable of performing tasks of the utmost difficulty as a "prime motor," and as a vehicle for the contained and directing soul; automatic in its essential internal movements; competent to conduct all those unseen and mysterious operations often for years, for decades, sometimes for a century and more, without the slightest knowledge on the part of the imprisoned mind, of their character, of their method or of their mutual relations.

The mind of the individual thus confined in the organism, however lofty and intelligent, is usually unaware, by any sensation, whether these internal transfers and transformations of energy are going on at all or not, and, as a rule, the more perfect

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their action, the less the consciousness of their operation. In most cases, the very existence of an organ is unknown to the possessor until its action is, by some derangement, rendered imperfect. Physical, chemical, vital, and intellectual forces and powers are all utilized and illustrated in the movements and accomplishments of this miracle among miracles; and the mind resident in the very midst of its marvels, after unnumbered centuries and millenniums, has learned almost nothing of the modes of action of any one of its internal energies. It even still puzzles itself with the question: Is the vital machine thermo-dynamic, thermo-electric, chemico-dynamic, chemico-electric, or a linked chain of chemical, physical, and dynamic powers, united with vital energies having as yet undiscovered characteristics?

There is little, if any, doubt that there exist in the vital organism forces and energies which scientific research has not yet touched; but it may be that, aside from the initial vital powers and those of the soul and the intellect, the animal machine may illustrate simply the transformation of only well-known forms of energy through processes wholly or in part unfamiliar. But, whatever may be the fact in this regard, it may probably be safely asserted that in this machine, as in any and every other, "nothing is produced from nothing," and every manifestation of energy comes of the transfer or transformation of some antecedent energy of equivalent amount. Whatever the outgo of the system, there must be an equivalent income of energy in that or other and transformable kind. This is the first of the laws of the science of "energetics," a science which underlies every phenomenon in the organic world and every department of nature in which motion occurs. It is a fundamental law to which no exceptions are known and to which no exceptions are believed to exist. But it is supposed—though by no means proven or certain—that we know just what enters this "prime mover" and vital machine, and as exactly what is rejected from it or produced by it.

This is certainly true, so far as the familiar forms of matter and force are concerned. What as yet unknown forms of matter and what still undiscovered forces and energies affect it or are affected by it, no one can say. Possibly there may be none; very possibly there may be many. We certainly do not yet know what are the exact compositions of some of the organic compounds pro-

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duced in the body for special uses, as, for example, the fatty substances of low-temperature combustion which are employed by the fire-fly and glow-worm in the production of light without heat, or the unstable composition of nerve-cells and of the gymnotus' voltaic battery. We have no positive clue to the nature of that mysterious force which flexes the muscles, bends a finger, moves a limb, or keeps the whole automatic system in operation for threescore years and ten, still less of the method of telegraphy which directs it or of the even more mysterious mental and intellectual forces and powers back of all and hidden in the most inaccessible recesses of the complicated mechanism within which we "live and move and have our being."

The anatomical structure of this singular machine is well understood, and the surgeon can do wonderful work in its dissection, its repair and reconstruction; but of its mainspring and its moving forces we are hardly more perfectly informed than were our barbarous ancestors of the days of the Greek and Roman civilization, or even of the time of Homer and the prehistoric ages. From the point of view of the mechanician, this machine—marvellous as it is as a study in anatomy, or to the investigator in physiology, in psychology, or in physics and chemistry—is strange and crude. It has not a revolving wheel or shaft, a cam or a gear, a belt or a piston, or a rigid system of mechanical "pairing," in the whole complicated and wonderful construction. Its operations, so far as mechanical, are all carried on by systems of levers, jointed in curious ways, and worked by cords of elastic muscle. Its mechanical operations and movements are all simple and easily traced and understood; but the forces and energies transferred and transformed are as mysterious in nature and method of action as their resultant effects in producing motion are simple. Some force—no one knows precisely what—and some energy, equally unidentified, cause contraction and relaxation of muscles and transformation of the unknown form of energy into mechanical power and muscular force and work. Where this energy of primary form is originated, what is its course, and how it affects the muscle, no one can say. Whether produced by chemical action in the assimilative organs, at which limit we lose sight of the material fed into the machine as the storehouse of the potential energy ultimately thus applied, whether given form in the capillaries and the lungs, where it

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flows as venous blood and is transformed into arterial; whether created in some special organ of the system, in gland or nerve, or spine and brain, or whether arising through transformation in the muscle itself at the instant it is required for its work, no one can yet positively say. No man can assert that this energy is thermal, electrical, chemical, physical, or whether it is some as yet unfamiliar and, to the biologist, novel and peculiar form of energy which has escaped the hands and eluded the view of the man of science, learned in chemistry and physics and in all the transformations of exterior energetics.

What we do know of the complicated and puzzling sphinx is this.

Oxidizable substances, always vegetable in origin directly, as the fruits and grains, or indirectly, as the flesh-foods, are taken into the furnace, as some suppose, into the alembic, or whatever the stomach may be considered, and are there subjected to a chemical process of solution, with chemical transformation into compounds capable of absorption by the fluids of the system. They are then, with suitable further treatment, such as the emulsification of the fatty matters, taken into the circulation, and become a part of the blood. Continuous circulation between the heart and the various organs of the body and through the capillary system, and into and out of the lungs, alternately charges this vital fluid with deoxidized and carbonized substances and oxidizes them, throwing off the resultant carbon-dioxide, carbonic acid as it is more familiarly called, into the surrounding atmosphere. It is known that only a fraction, in rare cases not one-fourth, of all the food supplied is utilized to the extent of absorption into the circulation. It is now perfectly well known what is the nature and the quantity of the chemical compounds rejected by the animal machine in its working condition, as well as what are the constituents of the always combustible materials furnished it; but no one yet knows just how these materials, as reconstructed and absorbed into the circulating fluid, are made to produce energy, or what the energy unquestionably produced in large quantities, which are approximately measurable, is like, or how that or any other energy that may also exist in the system is stored, transferred from point to point, or transformed and utilized as mechanical or other power. At the end of the nineteenth century it is not yet ascertained whether heat, electricity, a vital

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energy of as yet undetermined character and method of operation, nerve and brain power, mental force as a distinct energy, or what other, if there be any other, energies are the intermediary between the potential energy of the food and the applied energy of muscle, nerve, brain, chemical forces of digestion and nutrition, automatic powers of vitality, and mental and bodily action. With the entrance of the prepared nutriment into the system, all traces and clues of the mystery are lost, and the most learned man of to-day is as ignorant of the nature and action of the vital and other processes that preserve, repair, and operate this most intricate and curious of machines as the most ignorant savage. We can eliminate some current hypotheses, and to that extent approach the real source of life and action, and may possibly obtain some hint of the nature of these concealed forces; but the problem remains still one of the most attractive, tantalizing, and important of all the unsolved mysteries of science.

We know that peptonized and otherwise prepared food, always of vegetable origin and in oxidizable form, in that sense combustible, passes into the vital machine, and that a large fraction is rejected unutilized, together with considerable volumes of products of combustion leaving by way of the lungs, as exhalations of unknown amount by way of the skin. Large quantities of energy, in the form of heat, are carried out of the system and conducted and radiated from the skin. All the work of the muscles, whether performed upon external objects, in the movements of the body, as in walking and in the labor of the hands, or applied to the automatic processes which are essential to life, as digestion, circulation, and breathing, or to those which simply characterize animal life, as perception, observation, and thought, is also rejected energy. No energy is, or can be, destroyed in the vital or any other system, and all that enters is balanced by a corresponding quantity leaving it. Probably substantially all the internal, automatic work of the living machine is performed in respiration and the circulation of the fluids of the body through their miles of narrow channel and capillary ducts. This is work of friction, and all of it must be reconverted into heat; it constitutes a large part, if not the whole,* of the heat thrown out of the system.

The lungs reject compounds familiar in common life as pro-

* Rubner confirms this anticipation by his experimental researches.

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ducts of combustion. But the temperature of the animal system is necessarily lower than the boiling-point of water throughout, and usually less than 100 degrees Fahrenheit, often falling to nearly the atmospheric temperature, or, in the case of fishes, to that of the water in which they live. This combustion or oxidation must take place at a temperature thus limited, and must consequently be an entirely different process from that familiar to us in the furnaces of the "heat-engines." It is more like that seen in the rusting of iron, the decay of wood or the processes of the chemist's laboratory. But, curiously enough, the breaking up of organic substances by the processes of non-vital natural decay is known to result largely, if not mainly, from the action of microbic parasites, and this fact is one of the evidences against the once usual theory that the animal machine is a heat-engine and its thermal product that of its furnace. That chemical affinities originate all energies of the vital system is undoubted; but all intermediate steps between the introduction of its potential energy into the body and the development of the transformed equivalent in dynamic and thermal energy are as yet concealed from us.

The question whether the animal machine is a heat-engine characterized by singularly low-temperature combustion, as formerly assumed, is promptly settled, and beyond dispute, by the fact that the whole system is of substantially uniform temperature. In all known heat-engines, the conversion of thermal into mechanical energy is consequent upon variations of pressure and volume of working fluids within a range of temperature, the extent of which limits the proportion of heat which may be thus utilized. The narrower this range, the less is the work performed and the smaller the proportion of the heat supplied which is transformable into dynamic energy and work. In the best modern steam-engines, this range is, at best, not above one-fourth the whole scale measured from the temperature of the steam down to the absolute zero at which all heat-motion ceases, and only this proportion could be utilized, at best, in a perfect machine. The proportion is higher in gas engines; but the wastes are more than proportionally greater in the engine as actually operated, and the two forms of heat-engine are practically to-day about equal. In the animal machine this range is very nearly zero; all parts of the fluid mass and contained solids

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being, in the human body for example, held at about ninety-eight degrees Fahrenheit. The animal machine therefore cannot produce thermo-dynamic transformations, unless by some as yet undiscovered process which entirely evades the well-established laws of thermo-dynamics as applied to the heat-engines familiar to us. To produce such effects it will be necessary to carry parts of the system through a range of temperature equal to that of the steam-engine, if the known efficiency of the machine is to be secured in that manner. This is obviously an impossibility.

The deduction follows that the animal machine is not a heat-motor, or a thermo-dynamic engine, which deduction may be accepted as very nearly, if not absolutely, certain. The consequent conclusion thus follows that it is an engine operated thermo-electrically or by some other less familiar, very possibly entirely unknown, process of energy-transformation.

Many distinguished men of science have been attracted by these riddles of the vital machine, and have tried to read its oracles; but with little success as yet. Joule, as early as 1843, called attention to the fact that the machine must be one for transformation of energy, and found that the result should be a lower proportional development of heat, for a given volume of product of oxidation exhaled, when at work than when at rest. This conclusion was experimentally confirmed by Hirn, in 1858, by actually confining men and and women and youth in hermetically sealed chambers, into and out of which air could be introduced, and the contaminated atmosphere discharged, only through ducts so arranged that he might readily and accurately measure their volume and analytically determine their constituents. He found that the heat, the work, the volume of carbonized gases, had those general relations of quantity which had been predicted by Joule as a consequence of the then newly accepted laws of energy-transformation. The larger the amount of energy applied to external work, the less the quantity of energy rejected in other forms. The human machine and motor obeys the laws of energy as precisely as does the steam or the gas engine; although this fact is not a proof that it is a heat-engine, but simply indicates that it is a transformer of energy by processes the nature of which we have not yet ascertained. Similarly, the dynamo-electric machine in this sense complies with the laws of energetics

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and yet is unrestricted by any law limiting its efficiency such as fetters the heat-engines.

Messrs. Becquerel and Breschet and later investigators have found, by actually introducing slender, needle-like thermometers into the flesh, that the temperature of the body is substantially the same in all parts. The muscles are one or two degrees higher in temperature than the skin tissue, and, during exercise, they may rise a degree or two higher still; but there is no point in the body, so far as can be ascertained, at which the heat exceeds the mean to any important extent. Hirn and others have shown that the human machine has at least the efficiency of the best steam engines; that is to say, it converts as large a proportion of its supply of energy into work as the best heat-engines. This would, were it a heat-engine, a thermo-dynamic machine of similar character, compel the provision of steam-boiler temperatures within the body—a simple impossibility in a mass composed mainly of fluids evaporating at the boiling-point under atmospheric pressure and of tissues altered by temperatures not greatly in excess of that standard. Experiment also shows the arterial blood to be but two or three degrees, at most, above the temperature of the venous; cold-blooded animals, as the fishes, usually exhibit no greater excess of heat over the fluid in which they live, and the molluscs practically coincide in temperature with the water about them. Exercise, increasing the temperature of all living mechanisms, notwithstanding the increased amount of energy drawn from the store and converted into work, raises the temperature of the whole machine and causes large increase in the quantity of heat conducted, radiated, and exhaled; but this very possibly comes mainly of the increased heart action, accelerating the flow of the currents in the arteries and veins and the conversion of its friction-work into heat. The fact gives no clue to the secrets of the vital sphinx.

Galvani showed that the nerves could be traversed and the muscles contracted by a current of voltaic or of high-tension electricity, and many later investigators confirmed his statements, while still others have shown that currents actually traverse the muscular and nerve tissues which originate in the body, and which, reversing Galvani's experiment, reveal their nature by all the tests familiar to the physicist as detecting the presence and measuring the action of electric currents from artificial sources.

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The potentialities of the animal machine are developed in this direction most strikingly in the gymnotus and many other creatures, in which the currents are produced in great power and intensity, and directed, at will, in the capture of their prey or in self-defence, sometimes disabling a man or felling an ox by their powerful discharges. The fact of the transformation of energy is well illustrated in these cases by the exhaustion of the creature when it has continued this discharge of electrical energy a short time. To this extent, certainly, these animals are electro-dynamic machines. The electric eel and the torpedo are but the two best known of about fifty such electro-dynamic animal machines already discovered, and it is thought by some authorities that all animals possess this power of producing and applying electric energy in less degree. Faraday found that the gymnotus, the electric eel, has a storage power equal to that of fifteen large Leyden jars. It is probably well-established that every muscle and nerve of every animal is traversed by energy closely related to the electric current, and Daguin calls this "*l' électricité vitale.*"

Perhaps the most beautiful and striking of all the potentialities of the animal machine is that exhibited by those in which energy, whatever its nature, developed and stored in the body, or applied in its various curious and intricate operations, is made to take the form of light. In all the practical work of the engineer and of the man of science, light is only obtainable by the production of high temperatures, and the brighter the light the higher must be the temperature of its source. At 700 degrees to 800 degrees Fahrenheit a red glow only appears; at 1,000 degrees almost white light is produced; at 1,500 degrees to 2,000 degrees the radiance becomes brilliant, and the dazzling lights of the electric arc and of the sun indicate temperatures measured by thousands of degrees. Yet, on the other hand, we find light produced in nature without perceptible heat. Moonlight is sunlight almost freed from heat; its warmth is not only insensible, but so feeble that it is only by Professor Langley's famous "bolometer," an instrument of unimaginable delicacy, that science can measure it at all. The phosphorescence of the decaying stump or fallen tree in the forest, and that of the animalculæ with which the waters of tropical seas so frequently teem, are examples of the production of light without heat, and, in the case of the latter at

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all events, at very nearly the temperature of the animal organism and of the surrounding sea.

The glow-worm and the firefly are provided with apparatus especially designed by nature for the production of this low-temperature light, free from heat, and Professor Langley and his colleague, Mr. Very, have shown by bolometric tests that this light from the animal machine is comparable only with moonlight in its freedom from heat. In other and, for our present purposes, much more significant, words, the vital machine converts energy into pure light without wasting it in the form of heat. In the familiar forms of artificial light, the heat, which is not only wasted and thrown away, but is a source of great annoyance and a real evil in many ways, constitutes an enormous proportion, often ninety-nine per cent., of the energy expended, and a proportional part of its cost is thus thrown away with it. We pay one or five per cent. of our bills for the light received, the balance for the heat wasted; very much as, in the heat-engines, we pay often a similar proportion for power received and a balance of equal proportionate amount for the heat thrown away unutilized; one or five cents in every dollar paying for value received, ninety-five or ninety-nine cents being paid for wasted, yet no less costly, energy. Gas and bright oil-flames, electric glow and arc lamps, respectively, return us one, two, and ten per cent. of the energy transmitted to them for transformation into light; while the moon and the glow-worm or firefly give us light without sensible heat. The animal as a light-producing machine is thus many times more efficient than the apparatus of the electrical engineer; it seems possible that we may find this vital mechanism but little less economical as a motive machine, and serving as a guide to the construction of artificial apparatus that shall displace the heat-engines and utilize the enormous proportion of their energy-supply now wasted.

Scientific investigation, on the other hand, has discovered facts which decidedly conflict with our theories of thermo-electric and electro-dynamic transformations of energies in the vital machine. The velocity of the nerve impulses is but about 90 feet per second in cold-blooded, and two to three times that speed in warm-blooded, animals; while electric currents are ordinarily inconceivably more rapid; thus indicating peculiar conditions of electrical conduction, if this be the mode of communication along

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the nerve, or, perhaps more probably, something like a mechanical or a wave-like transmission, molecule acting by contact with molecule, as often observed in muscular movements. The originating form of energy and method of energy-conversion in the brain and spinal cord remain, in any event, as obscure as ever. It is found, also, that light and heat may be produced, and sometimes are produced, by the combustion in the animal system of certain fatty fuels capable of oxidation at these low temperatures, with liberation of heat and light at the same low intensity, thus safely burning without danger to the tissues. The probability that this may be a customary method of production of heat in the animal machine is thus indicated, and the mystery in such case is that of nature's method of producing such fuels from foods and of conducting their combustion.

Summarizing the argument: the animal machine, the vital prime motor in which we live, is supplied daily with an amount of energy in its food equivalent, dynamically, to the potential energy of a pound of coal. This is, in turn, the equivalent of one-fifth of a horse-power for twenty-four hours. A day's work is at most one-eighth of a horse-power for one-third of a day, at steady labor, one twenty-fourth as an average for the twenty-four hours. Thus measured by the labor of a working man, the animal machine utilizes one-fifth of the energy supplied it, just the efficiency of the best steam engines that the greatest inventors and best mechanics of our time have been able to produce. But it does much more than this. The brain takes from one-fifth to one-tenth of the original stock of energy; all the work of digestion, respiration, and circulation, and of every muscular movement, voluntary and involuntary, and all that of reconstructing and repairing tissue of muscle and nerve and bone, must be added, and the efficiency of this prime mover is thus very far in excess of twenty per cent. and of the performance of the best engines. The experiments of Hirn, showing the rejected heat-energy to be twice as great, proportionally to oxygen inhaled, when at rest as when at work, indicates the total efficiency to be about fifty per cent. or two and a half times as great as in the best engines of human construction; the production of power being the gauge. Langley has shown that, where the animal machine produces light, it does so at a cost, substantially all heat being eliminated, of probably a small fraction of one per cent.

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of that of our familiar lights; and other investigations show that, where adapted to the production of electricity of high tension, as in the gymnotus, it does this by consuming food—combustibles composed of the same elements, mainly, as our fuels —and, by this direct evolution, escapes the loss of nine-tenths or ninety-five hundredths of the energy drawn upon in our artificial methods of electric light and power generation. Heat production must be similarly economical in the animal machine, as there are no important losses from it, it produces just enough to keep its temperature normal and constant under its covering of non-conducting hair or wool. In all these vital operations, heat and power are always produced and observable. Indications of the generation and use of electricity or some similar energy are detected in all animal machines, and sometimes electricity, also, in large quantity and of high intensity. In some instances the production of light is a result of transformation of energy in these machines, and thus the animal system illustrates the transformation of energies in all known ways, exhibits direct transformations unknown in applied science and engineering, and excels always, and sometimes enormously, in the efficiency with which it effects these transformations and performs its special tasks.

Could the inventor, the man of science, the engineer, compete with nature in these directions, it is evident that the stores of fuel, now so rapidly wasting before the growing demands of civilized races, would last many times longer than now appears probable; the period when the race must bore into the interior of the earth or remove to the tropics to obtain heat and power would be proportionally delayed. A day's work or a dollar would become equal in value to a large multiple of the value to-day measured in heat, light, electricity, or mechanical power, and the human race would be enriched and advantaged inconceivably through the discoveries of science and the ingenuity of the inventor, the mechanic, the engineer. That such outcome of the labors of scientific men is certain, no one can say; that it is probable, no one will deny; that it is possible, every one will admit. The future undoubtedly will display more and greater wonders as the fruit of intelligent scientific investigation, than has the past, than has even the generation just past. Among these marvels, it is safe to predict, will come at least some approximation to nature's methods of production of all the energies.

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Whatever may ultimately prove to be the facts of physical, chemical, dynamic, energy-conversion, by the physiological processes of the vital organism, it is unquestionable that their study is imperative; and the reading of the riddles of this living sphinx constitutes a standing challenge to the man of science and the engineer; for within these mysteries are hidden the secrets of mightier powers than have yet been, in the remotest degree, approximated by man. Once these economies are attained by the engineer, in artificial heat, light, and power production, he will have insured proportional increase in the life of the race and in the sum of human comfort and happiness, and will have led in the elevation of the whole social system to an inconceivably higher level.

R. H. THURSTON.

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THE PLAIN TRUTH ABOUT ASIATIC LABOR.

BY THE HON. JOHN BARRETT, UNITED STATES MINISTER TO SIAM.

THAT the world demands the truth—devoid of romance and speculation—about Asiatic labor and competition is evident, if the press of America and Europe reflect public interest.

This is natural. Here is a question that may concern everyone. The possibilities of Asiatic labor as a competitor may involve not only the commercial and economic, but the social, development of all nations. Labor is a vital portion of society's organism. Any derangement of the former immediately affects the latter.

To be more specific, we are brought face to face with the staggering question: What influence will the millions of continental Asia exert in shaping material and moral history, if they soften their rigidity of character and become a malleable and adaptive force like the Japanese; if they evolve from a heterogeneous into a homogeneous factor in production, and learn to be expert producers and competitors as well as extensive consumers?

It is a matter of breadwinning. It implies a fiercer struggle for existence. It suggests another application of the stern principle of the survival of the fittest.

I am not an alarmist. I prefer sense to sensation. These prefatory statements are simply plain terms intended to attest the importance of the subject. I will even admit that from data at hand, covering several years' observation and study, I am inclined to be more optimistic than pessimistic in my view of the future, but this discussion shall not be prejudiced by my hopes.

In telling the truth of the situation there can be no better beginning than the exposing of untruths. I refer to the grossly exaggerated and most injurious reports that have appeared in leading American papers and have been copied without limit over the land. Before me now are several illustrations.

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The bicycle and button stories are the worst offenders. Originating as usual in interviews with alleged authorities, they were copied and commented upon from San Francisco to New York. They were discussed in a hundred Chambers of Commerce. They were the subject of congressional debate. They stated that Japanese bicycles would soon be sold in the United States as low as twelve dollars, gold, and that cheap Japanese buttons were flooding our markets at such prices that competition was absolutely hopeless. What are the facts? First, there is no bicycle factory in Japan that has yet turned out a wheel that an American buyer would even look at, much less ride, for less than fifty dollars, gold; second, there is no plant that can turn out over 150 wheels in a year; third, Japan cannot yet successfully compete against the cheap buttons of Austria and Germany in her own markets, and imports large quantities; fourth, neither consular invoices nor Custom-House records show any importations at the valuations claimed of buttons into the United States either then or recently, or is there any establishment in Japan which can produce them at those rates.

These two instances are the more important of many. To those who are skeptical I say: Do not believe these wonderful reports until they are verified in the official government returns of imports, which any one can obtain.

By exposing these fallacies I do not wish to be understood as anticipating my other conclusions. My only purpose is to correct impressions which are absolutely unwarranted—impressions that have been too generally accepted. Were they true, I would not only admit them, but strive to analyze them and describe the labor itself.

What are the facts of Asiatic capability and what may give us cause of apprehension and arouse fear of severe competition will be presently discussed.

Having cleared our vision of some hazy conceptions, we can now consider well-defined operations. Although Japan has so far completely distanced China in her manufacturing strides, the latter presents, perhaps, the most interesting field. In studying China's efforts, there is the ever-present thought that these numberless millions may become a powerful manufacturing people. Despite the conservative spirit that rules supreme from Canton to Peking, despite the fact that we cannot record

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for China such wonderful achievements as those of Japan in the last decade, we can recapitulate resources and opportunities unlimited, and pause to consider what will come if she starts on a similar line, either alone or under guidance. Great bodies may move slowly, but the avalanche and tidal wave show that they can move rapidly and irresistibly. China to-day is the greatest riddle of all nations. No statesman, no diplomat, no philosopher, no historian, dares prophesy with full certainty as to her future. It is useless, therefore, for me to speculate on what she may do as a manufacturing land, but I can describe the actual conditions of the present. From them each person can draw his own conclusion.

Shanghai and Hankow are the only two points in China proper where large modern manufacturing plants are established and in operation. These cities are respectively the New York and Chicago of China. Shanghai is the gateway to the great, rich Yang-tse-Kiang Valley. It is growing with the rapidity of some of our Western cities. Its foreign section would do credit to a prosperous home port, with its imposing buildings and well-kept streets. For a manufacturing center its location is unsurpassed. There are miles and miles of deep-water frontage. The largest steamers and ships are constantly leaving for all parts of the world. Coasting steamers touch at every port in China, Korea, Japan, Formosa, the Philippines, Java, and Siam. River craft equal to those of the Hudson and Mississippi run regularly 600 miles up the Yang-tse to Hankow, and connect with smaller vessels that go 400 miles beyond, to Ichang, which in turn connect with junks that proceed 400 miles further, to the new treaty port of Chunking, where the United States have recently established a consulate.

I give this much attention to Shanghai because not only is it the leading port of the Far East—not counting Hong Kong and Singapore, which are British colonies—but, in the opinion of the best informed authorities, it will become the great central manufacturing point of the Pacific seas, even surpassing ultimately Osaka in Japan. As evidence of its present business and of the reasonableness of this prophecy, it is well to remember that nearly 3,000 merchant steamers cleared from the port of Shanghai in 1894.

Hankow, as intimated above, occupies a position in China so

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similar to that of Chicago in America, that it must become the chief distributing and manufacturing point of interior China. It already is the principal tea-centre, and it has a foreign section whose extent and condition attest the importance of the city.

The number and size of modern manufactories in Shanghai will surprise those who have not studied this question nor personally investigated the plants. As one passes by or through them he could easily imagine himself in Fall River or Manchester, were it not for the laborer himself, *who, in his wage price, is the very secret of their success.* There are six large cotton-spinning mills with 125,000 spindles either working or about ready for operation. There are eight cotton-ginning plants, with thirty-two to seventy-two gins each, most of which are running. Twenty steam silk filatures are operated, with a reeling capacity of 24,000 bales per annum. A paper mill, which would be a credit to Holyoke or Oregon City, is doing a large business.

Are they making money, and are they competing with the goods formerly supplied entirely by import? The most convincing answer is that, in addition to six cotton mills running or about ready, three new companies, controlled by foreign capital, one of which, I am glad to say, is reported to be American, have been organized. The capital stock, averaging from $500,000 to $750,000, gold, was promptly subscribed, showing the confidence of investors in the opportunity. Consul-General Jernigan, in a careful report* on this subject, says:

"The larger mill will be under the general management of a well-known American firm†, and in the prospectus an estimate of the expenditure on capital account of a cotton mill of 40,000 spindles is presented: The cost of the machinery for the plant is estimated at 500,000 ‡taels [$380,500, gold], the land improvement at 40,000 taels [$30,440, gold], preliminary expenses and contingencies at 10,000 taels [$7,610, gold]. The ready value of the output of such a mill, working three hundred days, with a proper deduction for brokerage, is estimated at 1,611,900 taels [$1,226,655, gold]. The expenditure, including raw material, cost of working, duty (if any is incurred), expense of management and depreciation in machinery and building, is estimated at 1,475,630 taels [$1,122,954, gold], leaving a balance available for dividends of, say, 17 per cent. on 800,000 taels [$608,800, gold]. The dividend anticipated from the expense and profit account thus stated is based upon other consid-

* See page 355, Consular Reports, November, 1895.

† Whether this American company has actually begun operations I am unable to positively state at this writing, but four new companies have been successfully floated with foreign capital, and several of their mills are in course of construction. —J. B.

‡ Tien-Tsin taels = 76.1 cents U. S. currency at time of Consular report.

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erations. In one prospectus, it is argued that experiments, made and vetified by the experience of existing local mills, show that locally produced yarns are superior to Indian [Bombay] yarns, in which so great a trade has, in recent years, been established; and there is no reason why such yarns should continue to be imported when similar yarns can be manufactured at Shanghai, and of a superior grade."

A cardinal point to remember, in studying the possibilities of this competition, is the readiness of native Chinese capital to embark in these schemes. Nearly all the mills now running belong to Chinese. Capital from the north and south and interior is pouring into Shanghai for similar investment. It is erroneous to suppose that the individual Chinese capitalist is stubbornly conservative. It is the government, the great official system, that stands like a stone wall in the way of the Westerner; and yet I cannot accept the sweeping assertion that the Chinese government is unalterably opposed to foreign innovations. On my last visit to China I saw many unmistakable signs to the contrary.

But the labor itself is the chief feature of this industrial renaissance. The highest wage that I discovered paid in the Shanghai cotton mills to a native male employee was 50 cents, silver (26½ cents gold), per day, the lowest 12 cents, silver (6½ cents gold), while the average was about 20 to 34 cents, silver (10½ to 18 cents gold). None of these sums included food. The wage of 50 cents per day was not paid to more than 10 men in 1,000. The wage of 12 cents per day was paid to coolies who did the unskilled common work about the factories. Where women were employed, they received even less than the men, or from 5 to 20 cents, silver. In some establishments wages depended on the "piece" scale. The employees generally had a healthy, vigorous look, as if life had no great cares. They were cheerful and, in most instances, attentive to work. The more skilled would glance at me as if to say: "You foreigners may have made these machines, but we can show you how to run them!"

The observer is especially impressed as he watches these thousands of Chinese laborers going in and out of these mills at shifting hours. Nothing that human beings do more resembles the action of bees in a hive. Then, again, they seem like part of a great stream that has no beginning and no ending, flowing from one sea to another—coming as they do from a reserve of countless millions. One doubts if a strike could ever succeed with hungry thousands to draw from for every one that goes out.

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Face to face with the problem, you think, you argue, you calculate, you imagine whether the wages of these men will ever be high enough to remove that omnipresent spectre of "cheap Asiatic labor." At one moment you have the question all carefully settled on theories of skilled labor becoming scarce, of new associated conditions of life, of higher cost of living, of labor organizations and strikes, of this and that change in society; the next moment you despair of a solution, as you ponder on those same unending millions, on the cheap vegetable diet, which, even in foreign lands, the Chinese does not forsake, on his capacity to save money from pay that would not supply a meager portion of an American laborer's absolute necessities, and on the supreme lack of ambition among the masses, whose plodding nature, it would seem, all the electricity in the world could not cause to experience the slightest twinge.

Perhaps the most interesting labor experiment—I say experiment advisedly—in China, I found in Wuchang, the capital of Hupeh Province, in the heart of China, the home of the celebrated Viceroy Chang Chih Tung, and opposite Hankow, on the Yangtse. Here is an immense establishment controlled by the Viceroy, employing 3,500 hands, running 40,000 spindles. It occupies four large buildings, with two more in course of construction, lighted by electricity and heated by steam, constructed of pressed brick, with corrugated-iron roofs, provided with machinery of the latest design, and powerful engines. The dimensions of the two largest structures were respectively 510 by 327 feet, and 528 by 406 feet. This is the splendid equipment of cotton mills in the interior of a land which most Americans think is the home of only primitive industry—an equipment of which the richest cotton-mill owners of England or New England could be proud.

Employees in such a factory in Massachusetts would earn $1.25 to $4, gold, per day. Employees in this factory in Hankow or Wuchang, to the number of 3,500, receive on an average 150 *cash, or* 15 *cents, silver, per day; that is, only* 8 *cents, gold!* And the Viceroy was thinking of reducing the wages because the mills were not profitable! The manager, an Englishman, stated that they did not pay. Another authority said this was because the Viceroy, for political reasons, did not want them to pay. That is why I call the mills an experiment—the Viceroy has not

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yet decided whether he wishes them to prosper or not. Here, again, the laborers appeared faithful, contented, and attentive. Few requests were made for increase of wages, but if a man was so rash he was immediately replaced by one of the city's 800,000 outside. The manager made a declaration that should be considered: one American hand will tend six looms while a Chinese will tend only one. On that basis, multiply eight cents, gold, by six, and we have a daily wage of only forty-eight cents. Little consolation there!

The output of Chinese mills is chiefly yarn; but some serges, twills, drills, and brocades are manufactured. None of the latter varieties can compare favorably yet with the common American and British products. The yarn is not equal to that imported from Great Britain, but it is often superior to that of India. There are usually a few foreigners employed at high salaries in charge of the mills, but they will be gradually replaced by natives in the native-owned plants. I used to be of the opinion that the greater portion of the raw cotton must come from America, but, as I went up and down the Yang-tse-Kiang valley and saw its limitless capabilities for cotton production, I was forced in a measure to change my opinion. The American cotton is superior to the Chinese cotton, however, and prominent manufacturers assured me that, were the Nicaragua Canal constructed, there would be a large permanent import into China from New Orleans and other Gulf ports, and especially into Japan, in far greater quantities than now.

As illustrating the fact that labor and manufacturing are becoming diversified in China, note should be taken of the immense sugar refineries of Hong Kong, second only in size and output to those of the Sugar Trust in America, where several thousand Chinese are employed at less than 35 cents, silver, each, per day, and supplying the Oriental market; of the great docks at Hong Kong, where hundreds of skilled mechanics work for less than 40 cents, silver, per day, and repair vessels more cheaply than can be done in America and Europe; of the extensive modern iron works and arsenals at Shanghai and Hanyang (near Hankow), where over 4,000 men, when there is work to be done, labor at an average of 20 cents, silver, per day.

All of these mean competition. That is axiomatic. What can be made in China will not be imported. It is at present,

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however competition limited to its surroundings. It is defensive, not offensive, competition. If it succeeds in defensive tactics, as it were, will it succeed in offensive? If it can do so much at home, will it invade foreign fields? These questions I am not expected in this article to discuss. Perhaps the advocates respectively of protection and free trade can argue the issue and solve the riddle.

In this paper I give as much attention to China as to Japan. I believe that danger, if danger there is or is to be, lies in China far more than in Japan. This may be contrary to common opinion, but thorough investigation on the ground convinces me that it is true. To-day for the same work wages are higher in Japan than in China. The supply of labor in Japan is more limited now and always will be. Wages in Japan have a strong tendency to advance; in China they have not. Living is cheaper in China than in Japan. The Japanese are more ambitious than the Chinese and less satisfied with small pay. Raw material of most varieties is cheaper in China and nearer at hand than in Japan; while in the practical application of the principles of both demand and supply China has the advantage of Japan.

A few doubts as to China's policy removed, a few political clouds cleared away, a few more concessions and rights granted to foreigners, and we may witness an industrial development in China that will equal and surpass that of Japan. Capital will be ready, and it will not confine itself to the present narrow limits.

Japan in July boasted of sixty-five cotton-mills with approximately one million spindles. In 1893 there were forty; in 1890, thirty; in 1888, twenty. Osaka is the central point, and it presents a most modern business-like appearance, with its large factories and lofty chimneys. Aside from cotton-mills, there are many other industries, of which the most interesting are the new watch and brush factories. From a personal inspection of the leading manufactories, and careful inquiry of the owners and managers, I learned the following facts: The highest wages paid to native employees in the cotton-mills are seventy-five cents, silver, per day, the lowest five cents (female labor); the average twenty-five cents for fairly-skilled male labor and eighteen cents for similar female labor. Large numbers of women and children earn only five to ten cents. In the brush-mak-

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ing establishment I counted one hundred women who were earning at piecework only seven cents per day, and yet they worked long hours. The watch and clock factory is not a large establishment and the wages are higher. Some employees received as much as a dollar, while the majority earned about forty cents. In a dozen miscellaneous industrial plants other than those named, wages ranged from fifteen cents to eighty cents, with an average of thirty-five cents. In Kobe's celebrated match factories several hundred women and children were working with extraordinary despatch and skill and earning by piecework only five cents a day.

The average number of hands employed in the six leading Osaka cotton mills is 820 women and 390 men, a total of 1,200. The women outnumber the men in the majority of mills two and a half to one, and four to one in a few. In the great Kanegafuchi plant, at Tokyo, the women outnumber the men four to one. In this establishment the wages of the women were about half that of the men. In the Osaka Company, at Osaka, which has a capital of 1,200,000 yen and 37.513 spindles, there are employed 600 men besides women, and the wages of the former are one-third more than those of the latter. At Miye the female employees numbered 1,700 and the male 625. This may be a feature of Japanese labor that will have a vital bearing on the future. Many employers informed me that, besides being cheaper, the women gave less trouble, were more faithful, and quicker.

Eight representative establishments at Osaka have a total capitalization of 4,580,000 yen ($2,427,400, gold), run 162,000 spindles, employ 10,000 hands, work in shifts twenty-two of the twenty-four hours for 320 days of the year, and sell the yarn at an average price of 80 yen for 48 kwan (400 pounds), or 10 cents, gold, per pound.* These same companies paid handsome dividends last year, the lowest being eight per cent. and the highest 26 per cent.

It is not true that the watch and clock factories of Japan are making goods cheaper than those of similar quality in America. They can control their own market in cheap clocks, but they cannot export at a profit. In watches they cannot yet compete successfully in both cheapness and quality with those imported

* One kwan equals about 8⅓ pounds avoirdupois.

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from Switzerland and America. The brush plant in Osaka, however, is finding its great and exclusive market in the United States. New York buys nearly all of the output, and the demand keeps five hundred hands busy at average wages of twenty cents, silver, per day. This company shipped tooth, hair, and nail brushes, valued at $18,000, gold, to the United States in the last three months of 1895.

Some miscellaneous wages in and about Yokohama which I authenticated are as follows, in gold: Carpenters, 25 to 50 cents per day; compositors, 25 to 45 cents; tailors, 25 to 65 cents; plasterers, 26 to 40 cents; tea workers, 30 to 40 cents; farm laborers, $1.50 to $3 per month; personal household servants for foreigners, $8 to $10 per month—all of which are a great advance over two years ago; and they bid fair to go 50 to 100 per cent. higher in the next two years. Labor and wages in the silk, lacquer, porcelain, screen, matting, tea, curio, and other industries, which have always been characteristic of the country, I do not discuss beyond noting that the work is chiefly done by piece, not in great factories, but in private houses. So true is this of Japan, that the entire land might be regarded as one vast workshop with infinite subdivisions.

Before concluding this discussion it is necessary, in order to answer questions that are being continually asked concerning Asiatic labor, to note a few other general and specific features.

First. As to the measure of present and future Japanese competition with American products, the quarterly and annual returns of exports to the United States show that it has not yet reached an alarming stage, and our trade with Trans-Pacific lands has never yet attained such proportions as to be materially affected. The only imports similar to American products, such as brushes of all kinds, matches, carpets, rugs, paper, umbrellas, cotton piece goods, did not amount to over $100,000, gold, in the last quarter of 1895. Silk imports for the same period were approximately $3,500,000, gold, of which silk goods proper were only about $450,000. Matting was valued at $700,000, gold. Future competition depends so much on labor conditions, the development of commercial exchange, and the laws of demand and supply, that I cannot agree with those who declare we have nothing to fear any more than with those who predict the ruinous effects of Japanese competition.

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Second. The advance of cost of labor in Japan is marked.* The last twelve months have witnessed a greater rise than that of the preceding twelve years. The war, the enlargement of both army and navy, and the general demand for all classes of labor growing out of the country's speedy development are chiefly responsible. Manufacturers will soon be compelled to face the results of their own competition. Every new establishment tends to increase wages. Skilled labor is not obtained in a day in Japan any more than in America.

Third. Labor is organizing, but no such organization exists as in America. The organization of employers is perfect, but that of employees is very imperfect. Extensive organization is so new that labor's conception of it is yet crude. There are signs that it is coming and that it will appreciate its power. Guilds of which we hear so much do not include, as a rule, the ordinary laborer, unless in house or piece work. Boycotting is a common agency employed in Japan. It is a thoroughly understood principle in both Japan and China, and is used with great power whenever occasion demands. The coolie riots and strikes in Hong Kong and the guild-directed boycotts of Yokohama attest this characteristic. Conditions of government and society in Japan are adverse to the popularity and utility of deliberate strikes. The laborers themselves are as well treated as in any land in the world, considering conditions of life, are not morose, seem satisfied, and hence do not take to perfected organization. They are satisfied with less ambitious schemes. The wages and surroundings, however, that give the Japanese laborer sufficiency and contentment would mean poverty and unhappiness for the American laborer. The cost of living for the masses in Japan is less than in any other important land, except China. As this is so influential a factor in the price of labor, it must be remembered in discussing the possibilities of cheap Asiatic labor. The cost of keeping a big, healthy laborer well fed does not exceed ten cents, silver, a day in Japan and five cents in China, and it probably averages much less.

Fourth. The same crowding into cities and the same tendency to give up former conditions of living and labor are noticeable in Japan as in America and Europe. Piece work in the little homes

*See recent reports of Minister Dun, Consul-General McIvor, and Consul Connolly.

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is being abandoned for factories in cities. Who can announce with assurance that social problems are not to arise where 40,000,000 people suddenly find themselves transformed from a home-staying, piece-working, hand-making, and agricultural people to a restless, factory-filling, machinery-assisting, modern manufacturing people?

Fifth. There is a "boom" on in Japan—a boom in floating and establishing numberless varieties of manufacturing plants from Nagasaki to Hakodate. This may lead to overproduction and financial disaster. Let us hope not, for the proud little kingdom deserves a better fate. But some of Japan's ablest business men acknowledge the boom and fear the consequences. Coming right after the war with China, it bears some resemblance to the remarkable American industrial development following the Civil War.

Sixth. The haste and effort to make large profits have resulted oftentimes in producing a poor quality of goods and the consequent loss of markets. The Japanese manufacturers, as a whole, have not yet learned to maintain a permanent high standard. It is claimed that they do not plan for the future. They think too much of the present. This is used as an argument against their competitive capability, and may prove valid if a change is not accomplished, but it would seem that time would remedy the defect.

Seventh. The Japanese and Chinese home demand is to-day different from that of America and Europe, and it may be some time before Japan and China can provide goods, especially for the foreign market, which can compete with the home supply of those foreign countries. The visitor to Yokohama is continually reminded, moreover, that he should buy his clothing there, especially shirts, because prices are apparently so much less than in San Francisco and New York. If the enterprising traveller will go to half the trouble in America to read the advertisements in local papers, he will find that he can obtain shirts of equal quality at the same or a less price. Perhaps a man can purchase a dress suit in Yokohama for twenty dollars, gold, but he will get a twenty-dollar fit, and the first evening he wears it at the club or theatre at home will be also the last one. Nor can a Japanese tailor make an American laboring man's suit for ten dollars, gold, that can equal in

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wear what can be purchased for that sum in a hundred Chicago clothing stores. If large wholesale clothing manufacturing plants are established in the place of the present small back-rooms, it is possible that cheap clothing may be extensively exported.

Eighth. The Japanese government is taking one step which, perhaps, more than any other single influence, will enable her manufacturers to compete in foreign lands, and which exhibits an enterprise that the United States might emulate if it would revive its old marine and commercial supremacy; the subsidizing of steamship lines running to the Pacific Coast of the United States, Australia, and South America. In a few months the Nippon Yusen Kaisha will send its first steamer either to Puget Sound, Portland, or San Francisco.

Ninth. The effect of the new treaties will be closely watched. In two years more the old ones will be abrogated and foreign capital can establish its own industries wherever it pleases. What will be the direct effect on labor and competition it is difficult to outline beyond the fact that labor should advance, competition become more keen, and possibly also more attention will be given to the markets of Europe and America. I advise American capital to watch the field.

Tenth. I would not discourage American exporters from entering the Trans-Pacific field. There is a great opportunity, and it should be improved. If this paper suggests specific questions pertaining thereto, an answer may be found in the March number of the NORTH AMERICAN REVIEW, where I endeavored in plain terms to show that opportunity.

The eyes of the world are on the Far East. A coronation at Moscow, an invasion of the Soudan, a massacre in Armenia, a battle in Cuba, cannot hide the prevailing interest. Marshal Yamagata and Li Hung Chang were received everywhere in harmony with this sentiment. It is plain to be seen that the great issue of the Far East is not involved in the question what is the future of Korea or Siam, of Japan as a military power, of China's governmental possibilities, but what has the Western world to fear from the competitive labor of Asia's millions.

Some facts of the present are herein submitted.

Whatever policy the United States may see fit to follow, American interests in Trans-Pacific lands trust that it will be favorable to the upbuilding of the nation's commerce and trade.

JOHN BARRETT.

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NOTES AND COMMENTS.

THE TAXATION OF CHURCH PROPERTY.

MR. SPEED MOSBY in his article in the August number of THE REVIEW says: "The taxation of church property for governmental purposes would be most unwise and indiscreet."

The general theory of all just taxation is reciprocal service. Judge Cooley in his "*Law of Taxation*" says: "The protection of the government being the consideration for which taxes are demanded, all parties who receive, or are entitled to, that protection may be called upon to render the equivalent." It costs the community something to enjoy the use of property. If the church paid taxes it would pay its fair and honest share to secure its enjoyment of the use of property.

Church property is not exempt from taxation. The taxes have to be paid, and the property that is exempt, or rather omitted from the tax roll, is simply spread upon the other property. Everybody's tax goes up at least one-tenth. The American people would rise up in rebellion against direct taxation for church support, but what is exemption from taxation, but an indirect state support of the church, a virtual subsidy for its support, and at the expense of the general public? The state avoids a deficiency in its revenues by transferring to other property increased taxation, not by the voluntary action of the tax-payers, but by the compulsion of law, all of which is out of consonance with our republican institutions. The founders of our Republic wisely separated church and state. But if we are taxed for the support of churches it cannot justly be said that church and state are separated. Benjamin Franklin said: "When a religion is good, I conceive that it will support itself, and when it cannot support itself, and God does not take care to support it, so its professors are obliged to call for help from the civil power, it is a sign, I apprehend, of its being a bad one."

The churches enjoy no immunity from the operations of the laws of God. They place roofs upon their buildings to keep out the rain, and put up lightning rods to prevent lightning striking them. If God does not vary his laws for the benefit of churches, why should the state be expected to do so?

It is argued that many churches are not self-sustaining at present, and that to tax them would render them still less so. Thousands are less able to provide for their children because of the tax-collector. Why should the laborer pay taxes upon his humble home, and the religious corporation be exempted? Make all property bear its just and equal share of taxation and you lessen the laboring man's burden. When the workingman feels that his burden is heavier, because the magnificent possessions of the church are omitted from the tax roll, do you wonder that the church loses its power over him?

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Tax churches and only those able to bear taxes will dare to be extravagant. Tax churches and modest buildings will be erected where they are most needed, instead of a few imposing structures in the fashionable quarter. Every tax-payer in the city, the county, and the state has his per centage of state tax correspondingly increased because of the needlessly expensive church properties of the cities, churches which he may never enter.

The church yields no income to the incorporators; neither do many other kinds of property. But the state cannot regulate its action by rule of income. The state may and does tax for local benefits; then why not also for general benefits?

The saloon-keeper by force of law is compelled to help pay the taxes on my church, in the use of which I denounce his infernal traffic. If the saloon-keeper is taxed to support my church, in all fairness he ought to have something to say in its management. "No taxation without representation."

In 1850, the church property of the United States, which paid no tax, municipal or state, amounted to $87,000,000. In 1860, the amount had doubled. In 1870, it was $365,483,587. The census of 1890 reported the alleged value of church edifices, the lots on which they stand, and their furnishings, as $680,687,106. This does not include parsonages, lots, monasteries, convents, schools, colleges, etc. A conservative estimate of the value of the church property of all sects in this country is $2,000,000,000. In 1875, President Grant, in his message to Congress on the subject of a total separation of church and state, and the taxation of church property, said: "In 1900, without a check, it is safe to say that this church property which pays no tax will reach a sum exceeding $3,000,000,000. So vast a sum receiving all the protection of the government without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay taxes. In a growing country, where real estate enhances so rapidly with time as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation."

History is said to repeat itself, and the United States are on a fair way of reaching a condition which took place in England at one time, and in France, Italy, Spain, South Germany, Mexico, and some of the South and Central American Republics. In these countries corporated religious wealth became so great that it crippled their resources, paralyzed industry, and produced political and social ambitions which were only alleviated by wholesale confiscation. The taxation of church property is in the interest of American principles, and in harmony with the experience of nations. Exemption is a relic of the principle of church and state, inherited from the Old World, and not yet eliminated from our political system.

MADISON C. PETERS.

THE RELATION OF SPAIN TO HER GOVERNMENT.

THE misgovernment of Spain is a curiosity of Europe. There is no reason, that any superficial observer can indicate, why it should be so infernal. The Spaniards are not slow-witted, they are not cowardly, nor are they yet reputed to have lost all sense of national honor; thus it is not easy at first to

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apprehend why a power once so great, and still presumably capable of greatness, is collapsing like a slit balloon.

The foreign student of this cause must realize and bear in mind one need pre-eminently sovereign. He must not live, if even for years, in one quarter of Spain alone, in a capital of the east, or of the west, or of the south or north, but in *all*, and then he will see what we may be sure the present administrators of the Peninsula have shrewdly seen and acted on from boyhood, that the control demanded is not that of one country, but of many. Herein, in a word, lies the exact solution of the national distress, and though unreasoning historians condemn the old Castilian and Aragonese kings for subdividing their domains among their children, there is no gainsaying that each province was happier, and richer, and stronger when it was a kingdom of itself, while neither in these days (perhaps the hour is not yet ripe!) have the several divisions of Spain learned to profit by a single monarch or a single ministry.

For, as I say, it is not one kingdom but an agglomeration of kingdoms. The Catalan has French blood, no little of the French industry, and the thriftiness of the French lower classes. The Castilian is of pure descent, boastful of the luxuries of his capital—certainly the most sterilely situated, the least attractive, and one of the poorest of European capitals —and ridiculously disdainful of his neighbors. The Catalan or Galician is all for work, and the guitar-tinkling Andalusian is disgusting in his eye. The Andalusian is more than half a Moor, as may be seen in divers characteristics, patent enough to a resident in Andalusia, but which it would be idle to enumerate here. He in his turn detests his northern brethren of the spade and goad because they rise with the lark, and are weak enough to pay a moiety of his own taxes; while his spleen rises at the bare mention of the Englishman or German, who bleed his country by the mines and railways he has refused to work himself. A table of better class Spaniards of different parts or even cities is an invariable feud, as, through communicativeness, or thoughtlessness, or native bad taste, they cannot avoid treading on ground where they are sure to clash. Thus, more or less offensively, the Valencian vaunts his fruit and vegetable produce; the Barcelonese his industry and early rising, and invested capital; the Madrileño the extravagances and shows of Madrid; the Andalusian his wines; and each envies the other for what he lacks himself, declining to admit the possibility of a mutually advantageous exchange of morals or of commerce, or of single-hearted combination against a common foe.

The Ministry capable of well controlling these, the many Spains, would therefore require (and this I freely grant) to be something quite abnormal. But as a matter of fact not only is no tentative effort made to supply a makeshift, a something that would keep going the machinery of a marvellously productive land, requiring physiographically next to no control, but the partition of the commonwealth is employed by those who climb into power as a *sine qua non* for their private self-advancement. By a single day of concert the present or any other conceivable Spanish Ministry would be tumbled to the ground like a house of cards. It exists, not by any *consensus* of the masses, but as a defiant self-elected organism, challenging the numerical weakness of what brute force is likely to be brought against it. Thus the case is not between the Spanish government and Spain, but between the Spanish government and Catalonia, the Spanish government and Andalusia, the Spanish government and Aragon, and so forth; and, taking

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its adversaries one by one, as in the fable of the faggots, it can break their backs at will.

Coming to the ministers themselves, who certainly from the time of Godoy have traded on this unfortunate national condition, they require to be criticised as are the ministers of no other country in the civilized world. These are not governors so much as speculators in government. They do not serve their country, nor, in justice to themselves, do they profess to. They have made their choice and are pleased with it, nor, in their victims, do they look to delicacy of speech, much less defence or confidence. For sundry millions of pesetas voted them by the Cortes for various purposes, and never applied, nor (thanks to the disunion of Spanish character I have explained) seriously enquired after, they have elected to chance the obloquy of their own nation, and the contempt and wonder of others; wonder, because no serious foreigner can ever wholly train himself to understand wherein consists the government of Spain. An exception to prove the rule of these established malversations may be cited in the Marquis of Cabriñana, the young nobleman who not long ago lifted up his voice to protest, in the people's interest, against the defalcations of the Alcalde of Madrid, through whose hands had passed thousands upon thousands of pounds for which he could make no shadow of an effort to account. The same holds good of all grades of those who hold office in this country; to be otherwise would *ipso facto* be to disqualify, to be put on trial, as happened to the Marquis, before a partial judge and advocates, and bought out at a subsequent election.

By some strange accident (I hope it is), the almost entire burden of the ministerial peculations falls on the shoulders of the poorest and hardest-working of the population—on weary schoolmasters and schoolmistresses, on ill-paid artisans and half-naked *carabineros* and village folk—while the clergy, who have always played, and always will play, an ignoble part in Spanish history, by obeying the wishes of the ministry and keeping the toiling victims at a safe dead level of ignorance, are petted and privileged far in advance of their miserable deserts, and have their children maintained at the expense of the State—that is, of their parishioners.

The Spaniard, then, conscious of his "spirit of localism," as Borrow called it, has not, or believes he has not, the remedy of union against these common oppressors. He therefore deteriorates into a sullen, fatal passiveness, and if party feeling is to some countries apparently dangerous by reason of high temper and other insignificant causes, woe to the country where there is none at all; where, in a word, the people cannot find a minister good enough for some, at least, to make him their ideal. The Spaniard is no partisan. Whatever it may be, he is a foe to the existing government, because he knows it is a synonym for extortion. He has no Gladstone, no Primrose Day. He does not wear a colored favor at elections and throw up his hat and vote for so and so. As a spectator of his own impoverishment he bitterly looks on at the one who assumes office, wondering, if such a one be minister, what he will have to pay. For he does not buy—he wastes. The taxes of other peoples procure them commodities little less essential than their daily bread, but the Spaniard pays, and pays heavily and often, and in return his roads are impassable, his children are unschooled, and if he become quite a beggar, as is sooner or later likely, there is no refuge for him.

I will give what struck me as a very vivid illustration of the hatred these people bear their government, for such an instance might be heard in

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any quarter of the land. One evening, in the Bay of Cadiz, returning from on board a foreign vessel, I was being rowed past the Spanish ironclad now "finishing," the "*Carlos Quinto.*" The monster looked unsightly enough in her crude state, a blotchy, unpainted, rusty red from stem to stern, while the tinkle of a deliberately plied hammer on some loose plate gave an idea of unsecureness to the whole fabric. I asked my boatman how long she had been laid down. "Two years," he replied, and with a wry face, and a gesture expressive of drawing money from his pocket, he named the conservative and liberal leaders of his government in the same breath. "Curse them," he added, in a tone so horribly deliberate and sincere, it sounded almost as a reversed Angelus, floating over the still water to the ministerial condemnation. There was no marvel in his vehemence. In the *astilleros* of Ferrol the "*Cardinal Cisneros*" has been already five and a half years building, and when she will be fit to work, or steam, or fight—who knows? Not I, neither the Spanish Minister of Marine.

"*Fiate de la Virgen y no corras,*" runs the national proverb—"trust in the Virgin, and don't run"—and with this policy pursued to the letter, in Cuba, and the schoolrooms, and the shipyards, the ministers count the notes wrung from a suffering people, and smilingly protest they will be soon a first-rate naval power, and that there is no country in the world so patriotic and so generous as Spain.

L. WILLIAMS.

NOTE.—As I have mentioned schools several times in the course of this essay, I give two instances of the present state of education. In the province of Guadalajara there are something over two hundred and fifty schoolmasters whose individual salaries do not reach five hundred pesetas per annum. The school of Cañamares receives an *annual* grant of forty-six pesetas (eight dollars, roughly). In spite of this scale of payment, the Department of Education owes the schools and teachers of this single province *one hundred and ninety-three thousand pesetas.* And the schoolmasters of Vélez-Malaga, literally at the point of starvation, have addressed a piteous circular, imploring aid, to the sovereigns and heads of other states, including the President of the French Republic.

Y esto se llama la hidalguia Española!

A DEFENCE OF OUR ELECTORAL SYSTEM.

A DISTINGUISHED contributor to the last number of the NORTH AMERICAN REVIEW points out a serious defect in our Presidential electoral system; he shows that from the election of State electors on a common State ticket there results a great inequality in the value of individual votes in different States; that a voter in a smaller State, compared with a voter in a larger State, is at a grave disadvantage. The remedy proposed is to choose electors by districts instead of by States (except as to the two electors at large, who, as now, would be voted for on a State ticket).

As, by the Constitution, each State may direct the manner in which its electors shall be appointed, this remedy means an amendment requiring all States to appoint their electors by district electors. A constitutional amendment being an affair of great moment, the proposal invites public concern; and the following review of the arguments set forth is contributed to the general discussion of the matter.

It is asked whether it is a larger privilege to vote for twenty or thirty

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electors than it is to vote for three or five. It is indeed a larger privilege; that is, if there is no detracting circumstances; we must remember that the question has further reference to the number of other voters with whom the privilege is shared. The prerogative of suffrage is as to its value one of mutual restriction.

"Does one vote cast for each of thirty electors have a greater power than does one vote cast for three electors?" Yes; *if* the first voting population is less than ten times the second voting population, but not otherwise. The power of a vote depends on two factors: first, the number of State electors; and second, the fraction that the voter is of the voting population of the State.

The argument reviewed overlooks the second factor. May this be done? Suppose that in Montana a voter has, owing to immigration, twelve times as many fellow-voters as formerly (the electoral vote remaining the same). Does his vote have the same force as before? Or suppose that his fellow voters are only one-twelfth as numerous. Does not his vote increase in force? If this is denied, let us suppose that it does not and after reducing the number of voters lower and lower till only our one voter remains, we shall find him absolutely controlling the State electoral vote. Yet by the supposition his vote has not gained in force, which shows the supposition inadmissible. The following, though not a parallel, is an illustration. Which is preferable, a chance of gaining thirty dollars or a chance of gaining three? Does it not depend somewhat on the relative probability of the two chances?

A voter's influence is the quotient of the number of State electors divided by the number of the voting population, and since these numbers are directly proportional (a proper assumption since the argument does not concern Senatorial electors) the quotient is constant. In other words the discovered inequality is imaginary. A man once invented an ingenious machine; it had one defect, however, which was that it would not work. In this case the remedy for the inequality does not work, as there is no work for it.

It is argued: "In the State of New York the voter casts a ballot for each of thirty-six electors. His vote is counted for each, and each elector chosen by that ballot votes for President; so that the vote of one man bears directly on thirty-six votes in the Electoral College. In one respect a man has but one voice, but that one voice is potential in filling many seats in the body which decides the election. . . . In another State of less population a voter has a voice in the election of three electors. . . . In this condition of things it is pretty evident that the voter in New York has twelve times the power in the choice of President that he possesses who must exercise the right of suffrage in the smaller State." This argument assumes that a voter's power is unaffected by the number of those who are admitted with him to the polls. A child estimates five pennies as more valuable than four dimes: five is greater than four; but even a young child is quick to understand that the more who are admitted with him to divide a cake, the smaller his piece will be.

In the last quotation, the New York voter is spoken of as choosing his State's electors; but each voter only *helps* in the choosing; and it will be noticed that while the New York voter helps to choose *more* electors he helps *less* to choose them. So also when we are told that his vote "bears directly on thirty-six votes in the Electoral College" and that his voice is

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"potential in filling many seats," may we not ask *how strongly* it bears, and *to what degree* it is potential? This consideration is ignored.

"Is not the vote multiplied or its power increased in proportion to the number of electors it helps to elect?" Not altogether; in proportion to the number of electors it helps to elect *and* to the share it has in their election. Increasing the number of electors increases a voter's power, but a corresponding change in the voting population decreases it back in the same proportion inversely.

Suppose New York and Montana each carried by 1,100 votes. Now have the 1,100 voters in New York twelve times the power of those in Montana? What 1,100 voters in New York? Why, those that compose the majority. But who are they? Is there any rule by which they can be pointed out? We may pick out in Erie County 1,100 men who voted the winning ticket, and say that if they had voted on the other side it would have changed the result, but can we credit them with the election? Not unless we also credit the election in turn to each such group of 1,100 in the whole State who voted the winning ticket.

It comes to this that no 1,100 men but the half million and odd victors have carried the State. The 1,100 majority cannot be given local habitations and names. The half million and odd majority is composed of real men, but the 1,100 majority is a category; and to imagine it real beings is a mistake as great, though of an opposite kind, as that of the man who picked up a chair and said "I hold in my hands a noun."

It would be wrong to argue that if the State has been carried by 1,100 votes, 1,100 votes have carried the State. "*By*" does not here denote the agent but the measure of excess. We could not deny that the farmer sold the wheat, because the wheat was sold *by the bushel*. Usage permits many ambiguous expressions, but we must not be misled by them in reasoning. Nor could it be argued, under our system a majority wins (suppose two parties only); but the majority was 1,100 votes; then 1,100 votes won. The middle term is double; "majority" means first the larger of the two divisions into which the people divide themselves, and second the excess of the larger division over the smaller. Again in the expression "carried by a majority of 1,100," "of" denotes a property of the majority, not its composition. Here are three instances of words that may lead to sophistry.

Suppose New York and Montana each carried by 1,100 votes; a change of 600 votes in each State would mean a change of thirty-six and three electoral votes respectively. A change of 600 in New York would indeed have twelve times the effect of such a change in Montana, *if* no other votes changed in the opposite direction. The reversing of the total electoral vote of the State really depends not only on the change of 600 votes, but also and much more largely on the *permanence* of the votes which the 600 went to increase. Who will say that keeping the old ranks steady is not as important as enlisting recruits, however less spectacular? Of what good would be recruits from the enemy if offset by deserters to the enemy? A man standing on another man's shoulders and waving a flag should not attribute the elevation of the flag entirely to his own stature. He would see his mistake if the man below were to withdraw his support.

"Nor is it possible that twelve votes cast in Montana can equal one vote cast in New York, for the one vote touches the election of thirty-six electors in New York, while the twelve votes in Montana can only affect three electors." This leads to a startling conclusion; if true for Montana it is true

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for another State (they are all smaller than New York), and if true for twelve votes it is true for a larger number. It follows, for instance, that it is not possible that 90,000 votes in Pennsylvania can equal one vote cast in New York, for the one vote touches the election of thirty-six electors in New York while the 90,000 votes in Pennsylvania can only affect thirty-two electors. Can we believe anything like this? The gist of the matter is that one vote in Montana, while it "touches" only three electors, touches them *twelve times as hard* as a New York vote touches its thirty-six.

"If the ballot for each elector were cast separately he of Montana would vote three times and he of New York thirty-six times. Say not then that the ways of the system are equal." Yes, the New York man would vote oftener. It is as though he would travel around the State and vote in each district; but then he would have everybody in the State travelling around and voting with him and so lessening the worth of each of his votes.

It is all a matter of quantity and quality, or, as the poet says, of "fineness compensating size." The New York man's vote is more bulky, but it has a lower specific gravity; it is more extended, but it is not so intense; it denotes more, but it connotes less; all in inverse variation.

The New York Electoral College is like a machine of which the voters are the power and thirty-six electoral votes sent to Washington the work. The voters of Montana are the power of another like machine and three votes sent to Washington are their work. Now, the argument concerning district electors only, we may assume that the voters in the two States are, as regards numbers, as thirty-six to three, and since their work is as thirty-six to three, they must individually be of equal power. Taking the true ratio of population, about thirty-four to one, we can argue that for a stronger reason an individual voter in New York has not more influence than one in Montana. If of round lead bullets a given number of one lot weighs so much and twelve times that number of another lot weighs twelve times as much, we know that the two lots of bullets are of the same calibre.

As to electors at large we read: "The thing sought being equality in the power of the individual voter in all the States, the principle contended for is not violated by the electors of senatorial electors on a common ticket for the State." Let us see. A Montana and a New York voter each vote for two senatorial electors, but the first voter has more influence in the selection of his two for the reason that there are fewer other persons who have any voice in the matter; he is a member of a *closer corporation*. To fit the system proposed, senatorial electors should be abolished.

For the proposed method there is one good argument, proportional minority representation. This argument is advanced but strangely confused; the *majority* is spoken of as being overborne, as though it were not the fundamental principle of democracy that the people are free to marshal themselves as they like and that the division which is out-numbered can never assume to be the majority whatever its other pretensions.

These conclusions seem to follow: First, that as to district electors, a voter in a smaller State is not at a grievous disadvantage compared with one in a larger State, but is equal to him; second, that as to senatorial electors the second voter is not equal to the first, but at a disadvantage; third, that the proposed system of electing district electors by districts would, as between voters in smaller and larger States, leave the matter unchanged, and that the argument of inequality has no weight.

NEAL EWING.

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